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MORTON'S MANUAL

THE PRINCIPLES

OF

CIVIL GOVERNMENT

IN

THE UNITED STATES

AND

STATE OF KENTUCKY.

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BY

A MEMBER OF THE BAR.

Thomas B. Ford.

PUBLISHED BY

JOHN P. MORTON AND COMPANY,

LOUISVILLE, KENTUCKY.

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## PREFACE.

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“Ignorance of the law excuses no one” is an old maxim. This is true; and yet how few persons know the law! Indeed, ignorance of the law is the rule, and not the exception.

It is not surprising that so many violate that of which they know so little. As every person in a government is held to a strict accountability for trespassing against the law, and is required to obey it implicitly, it is incumbent upon the government to teach the law to the people, not only to make them better and more useful citizens, but because it is a duty which the government owes to the person it governs.

We have attempted to make this little work as plain and simple as possible. An elaborate volume upon this subject would not be adapted to the common schools of our country, many of which have but recently commenced the study of civil government. At any rate, after the perusal of this book, the pupil will be better prepared to undertake the study of a more thorough and comprehensive treatise.

Certain words and phrases in the text are emphasized by being put in **Antique** type. This is done for the purpose of assisting the teacher in framing questions upon the text. The device will also aid the pupil in forming his answers to the printed questions found at the end of the work. These questions ought to be used mainly for reviews, and the pupil ought to be required to frame complete sentences in answering them.

# CONTENTS.

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	PAGE.
CHAPTER I.—Of Civil Government Generally, . . . . .	5
CHAPTER II.—County Districts, . . . . .	8
CHAPTER III.—Of County Officers, . . . . .	12
CHAPTER IV.—Courts, . . . . .	18
CHAPTER V.—The Legislature, . . . . .	22
CHAPTER VI.—Officers of the State, . . . . .	25
CHAPTER VII.—The Constitution of Kentucky, . . . . .	32
CHAPTER VIII.—Juries, Trials, and Judgments, . . . . .	39
CHAPTER IX.—Revenue and Taxation, . . . . .	44
CHAPTER X.—Government of Cities, . . . . .	46
CHAPTER XI.—Charitable Institutions, . . . . .	47
CHAPTER XII.—Federal Courts, . . . . .	49
CHAPTER XIII.—Executive Department of the U. S., . . . . .	53
CHAPTER XIV.—Congress, . . . . .	59
CHAPTER XV.—Revenue of the United States, . . . . .	61
CHAPTER XVI.—Crimes and Punishments, . . . . .	62
Constitution of Kentucky, . . . . .	73
Constitution of the United States, . . . . .	100



## CHAPTER I.

### OF CIVIL GOVERNMENT GENERALLY.

**Civil Government** is that authority by which a State or a Nation is ruled. It is established to **preserve and keep** society in order.

The foundations of society are the **wants and fears** of individuals.\*

The notion of an actually existing unconnected state of nature is too wild to be seriously admitted; and, beside, it is plainly contradictory to the revealed accounts of the primitive origin of mankind and their preservation two thousand years afterward, both of which were effected **by means of single families**. These formed the first natural society among themselves, which, every day extending its limits, laid the first though imperfect rudiments of civil or political society.\*

It is the **sense of their weakness and imperfections** that keeps mankind together, that demonstrates the **necessity of this union**, and that therefore is the solid and natural foundation as well as the cement of civilized society. And this is what we mean by the original contract of society.\*

The whole should protect all its parts, and every part should pay obedience to the will of the whole, or, in other words, the community should **guard the rights of each individual member**, and (in return for this protection) each individual should **submit to the laws** of the community, without **which submission** of all, it is impossible that protection should certainly be extended to any.\*

**When civil society is once formed**, government at the same time results of course as necessary to preserve and **keep that society in order**.\*

---

\* Blackstone.

Unless some superior be constituted, whose commands and decisions all the members are bound to obey, they **would still remain in a state of nature**, without any judge upon earth to define their several rights and redress their several wrongs.\*

**Forms of Government.**—There are but three regular forms of government, viz: A **Monarchy**, an **Aristocracy**, and a **Democracy**.

In a Monarchy the government is **intrusted** to the hands of a **single person**.

In an Aristocracy it is **lodged in a council** composed of select members.

In a pure Democracy it is **vested in an aggregate assembly** consisting of all the free members of the commonwealth.

An Absolute Monarchy is a government in which the supreme ruler **governs according to his own will** and is not controlled by any established laws.

A Limited Monarchy is a government in which the supreme ruler is **restricted by laws** made by representatives chosen by the people.

A Republic is a government in which the **authority is exercised by representatives** of the people.

The difference between a Democracy and a Republic is, that in the former the **people themselves rule**, and in the latter the **representatives** of the people. A pure Democracy exists only in a country where all the people can assemble together and make laws. A Republic may be either an Aristocracy or a Democracy.

Our Government, which is a **representative Democracy**, is divided into **three distinct branches** or departments, viz: the **Legislative**, the **Executive**, and the **Judicial**.

The Legislative department **makes** the laws.

The Executive **enforces** the laws.

The Judicial **interprets** the laws.

These departments will be described in detail in succeeding chapters.

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\* Blackstone.

**The United States.**—The United States is composed of numerous States. It has a Constitution defining the rights and powers of the National Government. All “the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.”

The Constitution may properly be called the “**foundation stone**” of the Government of the United States. Neither the Congress\* nor the Legislature\* of any State can pass any law contravening or opposing it.

A State† is **one of the commonwealths** or bodies politic, the people of which commonwealths make up the body of the nation: it is composed of **counties**.

Each State has **also a Constitution** of its own. Its operations are confined to the boundaries of the State, and the Legislature thereof can not pass any law in violation of it. It **defines the rights and powers** of the State Government.

The National Constitution binds the **people of the nation**.

The State Constitution binds only the **people of the State**.

The United States has its **own laws and officials**.

Each State has **also** its own laws and officials.

A County is a **particular portion of a State** separated from the rest of the territory for certain purposes in the administration of the affairs of the State government.

The Civil Governments of all the States are very similar in character, the laws of each being **much alike**. A familiarity with the government of one State will give the student a very good idea of all.

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\*See pages 22 and 59.

†That portion of our national domain not organized as States is divided into districts called Territories. The government of a Territory is similar to that of a State.

## CHAPTER II.

### COUNTY DISTRICTS.

In Kentucky each County is divided into **Road, School, and Magisterial Districts.\***

**Road Districts.**—Roads are a necessity, and are essential to the prosperity of any community.

It is the duty of every government to provide for making roads and keeping them in repair.

In this State the **County Courts**† of each county are authorized by law to open and keep in repair public roads whenever it is necessary.

Before a new road can be opened, or an old one discontinued or altered, **due notice must be given** to all persons interested. Two or more suitable persons, called "**Viewers,**" are appointed by the County Court to view the ground and report to the court. The court may then, **upon this report** and other evidence, **determine** whether the road shall be established, altered, or discontinued.

A writ to assess damages to land through which it is proposed for the road, or the alteration of the road, to run, may be issued by the court, and **a jury may assess** the damages, which may be paid **out of the county levy**. But the court may decree that the damages shall be **paid by the person** or persons applying for the road. No road shall be ordered to be opened through any **town lot, orchard, burying-ground, building, or yard** without the consent of the owner.

Roads shall be opened **thirty feet** wide, or, near a town, **fifty feet** wide.

Any person who willfully obstructs a road in any way shall be liable to pay a fine.

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\*In some States called "Townships."

†See page 18 for definition of County Court.

The **County Court** shall divide all the roads in the county into precincts, and appoint a surveyor in each precinct, who is required to **keep the road in order**.

A surveyor is not allowed to resign **under two years**, unless he remove from the precinct.

All **male persons, over sixteen and under fifty** years of age, who are able to labor, except licensed ministers of the gospel, shall be assigned to work on some road, and shall be liable to **pay a fine** upon failure to attend and work on the road, after being notified by the Surveyor.

The Surveyor may impress, by warrant from a justice of the peace, any **wagon, plow, draught horse, oxen, gear, and driver** in the precinct as may be necessary for the making, altering, or repairing of the road, for which the **Court of Claims** \* shall allow a reasonable compensation.

Surveyors of roads receive **no pay** for their services.

Turnpike roads are built **by corporations**, under charters. The corporation may acquire the land over which the road is to run **by purchase, or by a writ to assess damages**, as in the case of public roads. The **law regulates** the tolls and manner of travel upon the roads.

**School Districts.**—Education is of the highest consideration, and is indispensable to every government.

School Districts are established in each county **by the County Superintendent** of Common Schools. †

No district shall include more than **one hundred children**, between the ages of six and twenty years, unless it contains a town or village within its limits.

The **School Fund** is derived from taxes levied upon all the real and personal property in the State, and from **interest** on county bonds. The people of a district may levy an **additional tax** on themselves.

Each district is under the control of **three Trustees**, elected by the qualified voters of the district. One shall be elected **each year**, for the **term of three years**, to fill the

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\* See page 18 for definition.

† See page 16 for definition.

place of the trustee going out of office. The Chairman of the Board shall be the **trustee having the shortest time to serve.**

The Trustees of a district are a **body politic.** They have the right to levy a tax to **build a new school-house, or to repair an old one** whenever it is condemned by the County Superintendent; also to levy a tax for fuel for the school-house and for **defraying other necessary expenses.**

They shall have the **general control** of the school district. They shall **employ the teacher,** and may **remove him** for proper cause, subject to the approval of the County Superintendent. They shall **take the census** each year of all the children who are permitted by law to attend the common schools, and **report the same** to the County Superintendent, and they shall **make a yearly report** to the County Superintendent of the general condition of the district. For any **neglect of duty** they are liable to **pay a fine and be removed** from office.

They receive **no compensation,** but the Chairman of the Board is **exempt from service** upon roads, juries, or in the militia.

**Magisterial Districts.**—The office of Justice of the Peace is of **ancient origin.** It came to us with the common law and with English institutions. It is a very **important office,** and the **duties are numerous** and responsible.

Each county is divided into **Magisterial Districts.**

**Two** Justices of the Peace are elected in each magisterial district **every four years,** by the qualified voters thereof.

Each Justice of the Peace holds a **regular court every three months,** and may hold a **called court** for the trial of certain causes.

He has **limited jurisdiction** in civil causes. He is a **conservator** of the peace in his county, and can **inflict fines and imprisonment** for penal offenses of a certain character,



such as riots, routs, and breaches of the peace. He can hold **investigating trials** where persons are charged with felonies or high crimes, and require bail. He can **bind persons** to keep the peace.

He is also a **member of the Court of Claims**, a branch of the County Court, which **meets once a year**, and at such other times as may be necessary, for the transaction of business.

As the Court of Claims, **all the justices in the county** meet to **establish the county levy**, to make **appropriations**, or to **attend to such other business** as may be legitimately brought before them.

A Justice's **fees** are the compensation for his services, with **three dollars per day** for attending the Court of Claims. He **gives a bond** for the faithful discharge of his duties.

A Constable is **elected every four years** in each magisterial district.

His duties are to **execute all civil and criminal processes** issued by the proper courts. He may also execute **notices, rules, orders of court**, and **make arrests**, and shall **attend the Justices' Courts** in his district.

His **fees** are his compensation.

He is **required to give a bond** for the faithful discharge of his duties.

## CHAPTER III.

### OF COUNTY OFFICERS.

In Kentucky, each county has a Judge of the County Court, a Clerk of the County Court, a Sheriff, a County Attorney, an Assessor, a Surveyor, a Coroner, a Superintendent of Common Schools, a Clerk of the Circuit Court, and a Jailer.

**Judge of the County Court.**—The County Judge or Judge of the County Court is elected **for four years**. He is a **magistrate**, and has jurisdiction of both civil and criminal causes. He **holds a court** four times a year, called the Quarterly Court, for the trial of civil causes.

He is also a **conservator** of the peace within his county, and has all the **powers of a justice of the peace in penal and criminal proceedings**.

He is required to **take and approve the bonds** of all county officials who are required by law to execute bond.

He **appoints guardians and administrators**, and **makes settlements** with them of their accounts.

He has power to **establish justices' districts and election precincts** in his county, and to **appoint officers of elections**.

He **presides** at the Court of Claims, and **calls that court together** when he deems it necessary.

His **fees, with a yearly allowance** out of the county levy made by the Court of Claims, are his **compensation** for his services.

He is required to execute a bond **before the Circuit Court Clerk** for the faithful discharge of his duties.

**Clerk of County Court.**—A Clerk of the County Court is elected **every four years**.

His duties are as follows, viz:



To **keep a record** of all the proceedings of the County Court (not quarterly courts). To **record** all deeds or mortgages properly acknowledged or proven. To **issue all marriage licenses** in the county. To **be the custodian** of all county officers' bonds, of the assessor's books, of the poll-books and books of election, and of all other papers required by law to be recorded or kept in his office.

His **fees** are the compensation for his services. He is required to **give a bond** for the faithful discharge of his duties.

**Sheriff.**—The office of Sheriff is an **ancient** one, and was **transmitted to us** by our English ancestry.

A Sheriff is elected **every two years**, but is **ineligible, after a second term**, for two years.

The duties of Sheriff are as follows, viz :

To **execute** all civil and criminal **processes** from the different courts properly issued and placed in his hands; also to execute **notices, rules of court, and similar papers.**

He is a **peace officer**, and may make arrests.

He may **appoint deputies** with the same powers as his own.

He shall **execute all persons** condemned to be hung, and **convey all persons to the penitentiary** condemned to confinement therein.

He may **command** and take with him, if need be, the power of the county, or a part thereof, to aid him in the execution of the duties of his office, civil or criminal.

He shall **collect the County and State taxes** and pay over the same to the proper authorities.

He shall **attend** the Circuit, County, and Quarterly Courts, and Court of Claims of his county, and **keep order** therein.

His **fees** are his compensation.

He is required to give **bond for the faithful discharge** of his duties.

**County Attorney.**—County Attorneys are elected for four years.

The duties of the County Attorney are as follows, viz :

To **attend** all County Courts held in his county, and

**superintend and conduct** all cases and business in the courts touching the rights or interests of the county.

To **give** the court and the several county officers legal **advice** concerning any county business within the jurisdiction of any of them.

To **attend** the Court of Claims and **oppose** the allowance of all improper claims.

To **oppose** the improper grant of tavern license.

To **prosecute** all criminal and penal offenses in his county.

To **oppose** the wrongful **alteration or discontinuance** of any public road.

To **institute and conduct** suits, motions, and prosecutions before any of the courts of the State, in which the county is interested, when so directed by the County Court.

His compensation is **a per centum** of all the fines and forfeitures recovered in his county by the Commonwealth, and **a yearly salary** allowed him by the Court of Claims out of the county levy.

**Assessor.**—The Assessor is elected for **four years**.

He may **appoint assistants** with the consent of the County Court.

He shall **cause** all the **property** in the county to be **listed** for taxation, and he shall **fix** a full and fair **value** upon all the estate so listed, and **enter** the same in the tax-book.

He shall, moreover, **return a list** of all horses, mules, and cattle, and their value; of all stores, and their value; also pleasure carriages and like vehicles, and gold and silver watches, pianos, and gold and silver plate; also all the legal voters, and enrolled militia, and children between six and twenty years of age, residing in his county.

He shall **return** to the County Court Clerk **a list of all persons** who fail or refuse to give a list of their property or give a false or fraudulent list; and such persons shall be liable to pay a fine for such offense.

The compensation of the Assessor is **a certain amount for each list** reported by him.

Upon failure to accept the office after election or appointment, he shall be fined five hundred dollars.

He is **required to give bond** for the faithful discharge of his duties.

**Board of Supervisors.**—The Board of Supervisors—**three discreet tax-payers**, citizens of the county, appointed by the County Court—are **required to revise the list** as reported by the Assessor.

**County Surveyor.**—The County Surveyor is elected **for four years**.

He may **appoint a deputy**.

His duties are to **execute** promptly and faithfully every **order of survey**, made by any court, of lands lying in his county, and **make out and return** a true **plat and certificate** thereof, accompanied by explanatory notes. If he fail to do so, he shall **forfeit twenty dollars** to the party injured, and **be liable** to an action for damages on his official bond.

He is required to **give a bond** for the faithful performance of his duties.

His **fees** are his compensation.

**Coroner.**—The Coroner is elected **for four years**.

His duties are to **hold an inquest** upon the **body** of any person slain, drowned, or otherwise suddenly killed, or where any **house** be broken.

His **jury** shall be composed of **six good and lawful housekeepers** of the county, summoned and sworn by himself, who, upon their oaths, shall **inquire, and say** in writing, if they know in what manner the person came to his death or the house to be broken; when, where, how, and by whom, and who were present, and who are culpable for the act.

If any person by such inquest be found culpable, the Coroner shall **forthwith arrest and commit** such person to the county jail, to be dealt with according to law.

He shall **bury the person** over which an inquest is held, or **deliver him** to his friends if required.

He may **execute process** in criminal, penal, and civil

cases; and when so acting the laws in regard to sheriffs shall apply to and govern him.

He is required to **give a bond** for the faithful performance of his duties.

His **fees** are his compensation.

**County Superintendent.**—The County Superintendent is elected **for four years**.

He shall not be eligible for election unless he shall have first obtained a **certificate of qualification** from the State Board of Examiners.

His duties are as follows, viz:

**To have general supervision** over the common schools in his county; **to lay off, alter, or abolish** districts; **to condemn** school-houses; **to visit** the schools; **to report** to the Superintendent of Public Instruction the census of each common school district in the county; **to draw and collect the public money** due to his county for common school purposes; **to pay the teachers** in his county; **to make an annual settlement** with the County Judge; **to make an annual report** to the Superintendent of Public Instruction of the general condition of each common school in his county, including the number of pupils, the average wages of teachers, etc.; **to appoint** two persons constituting a **County Board of Examiners** for the examination of teachers; and **to grant certificates** of qualification to teachers.

He is required by law **to give bond** for a faithful performance of his duties.

He is allowed **an annual salary** by the Court of Claims, to be paid out of the county levy.

**Clerk of Circuit Court.**—A Clerk of the Circuit Court is elected **every six years**.

His duties are **to keep a record** of all the orders and proceedings of the Circuit Court of his county; **to grant certificates** to witnesses; **to administer oaths**, and **to perform** such **other duties** as may be legitimately required of him by the Judge of the Circuit Court.

His **fees** are his compensation for his services.

He is required to **give bond** for the faithful discharge of his duties.

**Jailer.**—Every county is required to keep a secure and sufficient jail.

The Jailer is elected for **four years**.

His duties are to **have custody of the jail**, and to receive and **keep all persons in the jail** who shall be lawfully committed thereto until they are lawfully discharged. He shall **treat them with humanity**, and **furnish** them with proper **food and lodging** during their confinement, and shall **deliver** such as die in jail to their friends, if requested, or **have them decently buried** at the expense of the county.

His **fees** are his compensation for his services.

He is required to **give bond** for the faithful discharge of his duties.

**Eligibility of Officers.**—Each of the officers described in this chapter must be at least **twenty-one years** of age, a **citizen** of the United States, a **resident** of the State **two years** next preceding his election, and of the **county one year**.

**Vacancies.**—A **vacancy** in the office of Clerk of the County Court, Sheriff, County Attorney, Assessor, Surveyor, Coroner, Superintendent of Common Schools, Jailer, and Constable is **filled temporarily by the County Judge** until an election.

A **vacancy** in the office of County Judge is **filled temporarily by the Justices of the Peace** of the county until an election.

A **vacancy** in the office of Clerk of the Circuit Court, by the **Judge thereof** until an election; and a **vacancy** in the office of Justice of the Peace, by the **Governor** of the State until an election.

## CHAPTER IV.

### COURTS.

**County Courts.**—A County Court is held monthly by the County Judge in each county on the days prescribed by law. It is a court of record.

The County Court has power to appoint guardians, administrators, road surveyors, viewers, officers of elections, to make settlements with fiduciaries, to probate wills, to open, alter, or discontinue roads.

**Court of Claims.**—The Court of Claims is a county court held by the Justices of the Peace in the county, and presided over by the County Judge. It has power to fix the county levy, to make appropriations for the benefit of the county, to provide for the maintenance of the paupers in the county, to fix the salaries of the County Judge, County Attorney, and County Superintendent, and make appropriations therefor, and do such other acts as may be lawfully required. It meets once a year.

**Quarterly Courts.**—The Quarterly Court is a court held every three months by the County Judge for the trial of civil causes.

**Justices' Courts.**—Justices' Courts are courts held by Justices of the Peace.

**Circuit Courts.**—The State is divided into districts, termed Judicial Circuits, in which several counties are included. Circuit Courts are held in each one of these counties.

The Circuit Court has original jurisdiction of all matters, both in law and equity, within its county, of which jurisdiction is not by law exclusively delegated to some



other tribunal, and has all power necessary to carry into effect the jurisdiction given.

**Special terms** may be called by the Judge. Besides the jurisdiction in civil causes, which is not limited in amount, Circuit Courts have jurisdiction over high crimes and misdemeanors, such as murder, manslaughter, arson, robbery, etc.

It is presided over by a **Circuit Judge**, who is a conservator of the peace throughout the State.

It is a court of record.

Circuit Courts are usually held twice, and in some counties three times a year, and last for several days or weeks, according to the business.

**Officers of Circuit Court.**—In each Judicial Circuit there is a Circuit Judge and a Commonwealth's Attorney.

**Circuit Judge.**—A Judge of the Circuit Court must be a citizen of the United States, a resident of the district two years next preceding his election, at least thirty years of age, and must have been a practicing lawyer eight years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to eight years.

He is elected for six years by the qualified voters of his district.

The Circuit Judge receives a regular salary allowed by law, payable monthly out of the State treasury.

**Commonwealth's Attorney.**—A Commonwealth's Attorney shall be elected for six years. He must be twenty-four years of age, a citizen of the United States, must have been a resident two years next preceding the election in the State, and one year in the district, and a licensed practicing attorney for two years.

His duties are to attend each Circuit Court held in his district, to prosecute all violations of the criminal and penal laws therein, and to discharge all other duties assigned him by law.

The Commonwealth's Attorney receives a regular salary, payable monthly out of the State treasury, and a per centum of the fines and penalties recovered by the Commonwealth in each Circuit Court in his district.

**Other Courts.**—Criminal Courts, Chancery Courts, and Common Pleas Courts are also sometimes established by special acts of the Legislature. Their powers and jurisdiction are similar to those of Circuit Courts.

**Court of Appeals.**—The Court of Appeals is the highest court, and the court of last resort in this State. It is composed of four judges, who represent four different districts respectively into which the State is divided.

**Judge of Court of Appeals.**—A Judge of the Court of Appeals must be a citizen of the United States, a resident of the district two years next preceding his election, at least thirty years of age, and must have been a practicing lawyer for at least eight years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to eight years.

They are elected for eight years, one being elected each two years. They are allowed annual salaries, payable monthly out of the State treasury.

**Chief-Justice.**—The judge who presides during the sessions of the court is called the Chief-Justice. He is the one having the shortest term to serve.

**Clerk.**—The Clerk of the Court of Appeals is elected by the voters of the State every eight years.

It is his duty to keep a record of the proceedings of the court.

He must be a citizen of the United States, a resident of the State two years next preceding his election, and have a certificate of qualification from a Judge of the Court of Appeals, or a Judge of the Circuit Court.

His fees are his compensation.

**Reporter.**—The Reporter of the Court of Appeals is appointed by the court.



His duties are to **publish** such **decisions** as the court may direct.

He receives an **annual salary**, payable monthly out of the State treasury.

**Sergeant.**—The Sergeant of the court is **appointed by the court** for four years.

His duties **are the same** toward the Court of Appeals as **required by law from a Sheriff** toward a Circuit Court.

His salary is **three dollars per day** for each day he attends the court.

**Superior Court.**—The Superior Court is an **appellate court**; that is, a court **to which appeals** are taken from the **Circuit Courts**. It is an **intermediate court** between the Circuit Court and the Court of Appeals. It is composed of **three judges**, who represent three different judicial districts respectively into which the State is divided. The judges of this court must have the **same qualifications as Judges of the Court of Appeals**. They are elected **for four years**, and are allowed **annual salaries**, payable monthly out of the State treasury. In some cases **appeals may be taken** from their decisions to the Court of Appeals.

**Miscellaneous.**—Appeals may be taken to the Court of Appeals from the Circuit Courts and Superior Courts, under certain legal restrictions.

The Court of Appeals and Superior Court are required to hold their **sessions at the Seat of Government**.

NOTE.—The salaries of all public officials being generally under the supervision and control of the General Assembly, and liable to frequent changes, it is not deemed necessary or important to state them in a work like this.

## CHAPTER V.

### THE LEGISLATURE.

**The Legislature** is the law-making power of the State.

It is composed of the **Senate** and **House of Representatives**, and is known as the General Assembly.

**Senate.**—The State is divided into **thirty-eight** Senatorial Districts, so formed as to contain, as near as may be, an **equal number** of qualified voters. **One Senator** is required to be elected **by the qualified voters** of each district.

He is elected **for four years**; but the term of office is so arranged that **one half the Senators** are elected **biennially**.

**House of Representatives.**—The House of Representatives consists of **one hundred members**. **Nearly every county** is entitled to **one Representative**. But sometimes, **on account of the population**, a county or city is **entitled to more than one Representative**, and sometimes one member represents **several counties**. It depends **upon the population** and the apportionment, the ratio **from time to time being fixed by law**. Representatives are elected **every two years**.

**Qualifications of Members.**—A Senator must be at least **thirty years of age**, must have **resided in the State at least six years** next preceding his election, and the **last year thereof in the district** for which he may be chosen.

A Representative must be a **citizen of the United States**, at least **twenty-four years of age**, must have resided in the State **at least two years** next preceding his election, and the **last year thereof in the county, town, or city** for which he may be chosen.

**No person**, while he continues to exercise the functions of a clergyman, neither any person who holds or exercises any office of profit under this Commonwealth or under the Government of the United States, except an attorney at law, a justice of the peace, or a militia officer can be eligible to the General Assembly.

**Compensation.**—The members of the General Assembly receive for their services a certain amount per diem. It is now five dollars, but may be changed by any future Legislature.

They are also entitled to mileage.

**Officers.**—The Lieutenant-Governor\* of the State is *ex officio* the presiding officer or Speaker of the Senate.

The House of Representatives elects as its Speaker one of its own members.

The Clerks, Assistant Clerks, Sergeant-at-arms, and Door-keepers are elected by their respective Houses, and are paid such compensation as the General Assembly may decree.

**Rules of Procedure.**—A quorum of each House of the General Assembly is a majority of the members thereof. Each House is the judge of the qualifications, elections, and returns of its members; but a contested election is determined in such manner as is directed by law.

Each House establishes its own rules.

Each House is required to keep, and publish weekly, a journal of its proceedings.

Neither House can adjourn for more than three days, without the consent of the other, nor to any other place than that in which they are sitting.

All bills for raising revenue must originate in the House of Representatives.

The General Assembly may pass such laws as it deems proper for the benefit of the people, not in contravention of the Constitution.

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\* See page 26.

No bill can become a law until, on three successive days, it be read over in each House and free discussion allowed thereon, unless in cases of urgency four fifths of the House dispense with the rule.

An appropriation of money or the creation of debt, either to exceed the sum of one hundred dollars, can not be made unless the same shall be voted on by a majority of all the members in each House of the General Assembly, and the yeas and nays thereon entered in the journal.

## CHAPTER VI.

### OFFICERS OF THE STATE.

We have already referred to the officers of the county, and also to the officers connected with the judiciary of the county and State. We will now attempt a description of the powers and duties of the other officers of the State.

**Governor.**—The Governor is the **highest executive officer** in the Commonwealth. He is vested with the **supreme executive power**, and is known as the **Chief Magistrate**.

He is elected for **four years** by the voters of the State. The person having the **highest number of votes** shall be Governor.\*

He is **ineligible** for the **succeeding four years** after the expiration of the term for which he is elected.

He shall be at least **thirty-five years of age** and a **citizen of the United States**, and have been an **inhabitant** of the State at least **six years** next preceding his election.

**No member of Congress**, or **person holding any office** under the United States, or **minister of any religious society**, shall be eligible to the office of Governor.

He is **Commander-in-chief** of the Army and Navy of the Commonwealth, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field unless advised by a resolution of the General Assembly.

He has **power to fill certain vacancies** that may occur by granting commissions, which shall expire when such vacancies shall be filled according to the provisions of the Constitution.

He has power to **remit fines and forfeitures**, grant re-

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\* This rule applies to all other elective officers.

**prieves and pardons**, except in cases of impeachment. He may grant reprieves for treason until **the end of the next session** of the General Assembly, in which body the pardoning power for this crime shall be vested; but he shall have **no power to remit the fees** of the Clerk, Sheriff, or Commonwealth's Attorney in **penal or criminal** cases.

He **may require information**, in writing, from the officers in the executive department upon any subject relating to the duties of their respective offices.

He shall, from time to time, **give** to the General Assembly **information** of the state of the Commonwealth, and **recommend** to their **consideration** such **measures** as he may deem expedient.

He **may**, on extraordinary occasions, **convene** the **General Assembly** at the Seat of Government, or at a different place, if the regular place of meeting shall have become, since their last adjournment, dangerous, from an enemy or from contagious disorders; and, **in cases of disagreement** between the two Houses with respect to the time of adjournment, he **may adjourn** them to such time as he shall think proper, **not exceeding** four months.

He shall **take care** that the laws be **faithfully executed**.

He may **offer rewards** for fugitives from justice.

He shall receive for his services a **compensation**, which shall **neither be increased or diminished** during the term for which he was elected.

**Lieutenant - Governor.**—The Lieutenant - Governor shall be chosen **at every regular election for Governor**, and in the same manner, to continue in office **for the same time**, and to possess the **same qualifications as the Governor**.

He shall be by virtue of his office **Speaker of the Senate**; **have a right**, when in committee of the whole, to **debate and vote** on all subjects, and, when the Senate are equally divided, to **give the casting vote**.

Should the Governor be impeached, removed from office,



die, refuse to qualify, resign, or be absent from the State, the Lieutenant-Governor shall exercise all the powers and authority appertaining to the office of Governor until another be duly elected and qualified, or the Governor, absent or impeached, shall return or be acquitted.

Whenever the Lieutenant-Governor shall administer the government (as acting Governor), or shall fail to attend as Speaker of the Senate, the Senators shall elect one of their own members as speaker for that occasion; and in case of a vacancy in the office of Governor and Lieutenant-Governor (at the same time), the Speaker of the Senate shall administer the government.

If there should become a vacancy in the office of Lieutenant Governor while he is administering the government, during the recess of the General Assembly, it shall be the duty of the Secretary of State, for the time being, to convene the Senate for the purpose of choosing a speaker.

The Lieutenant-Governor, while he acts as Speaker of the Senate, shall receive for his services the same compensation allowed to the Speaker of the House of Representatives; and, during the time he administers the government as Governor, shall receive the same compensation which the Governor would have received had he been employed in the duties of his office.

**Secretary of State.**—The Secretary of State shall be appointed by the Governor, with the advice and consent of the Senate, to serve during the term for which the Governor was elected, if he shall so long behave himself well.

His duties are to keep a fair register, and attest all the official acts of the Governor, and he shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before either House of the General Assembly, and shall perform such other duties as may be required of him by law. He may, with the assent of the Governor, appoint an assistant secretary.

He shall receive an **annual salary**, payable **monthly** out of the State treasury.

**Treasurer.**—The Treasurer is elected for **two years**. He must be a **citizen of the United States**, at least **twenty-four years of age**, and must have **resided within the State** at least **two years next preceding** his election or appointment.

He must execute an official bond with surety, worth at the time **three hundred thousand dollars**, to be approved by the Governor.

His duties are to **receive and safely keep** in the treasury all **moneys due** or payable to the Commonwealth.

He shall **receive and pay out** money from the treasury **only upon the certificate** or warrant of the Auditor, unless the law under which the same may be claimed **expressly directs** and orders that the **money shall be paid** out of the public treasury.

He shall **keep true account** of all **money paid** into the treasury, **by whom, when, and on what account** paid.

He shall **make clear, distinct, and intelligible reports** of all **money received and disbursed**.

If he does **willfully misapply** any of the public money, he is **guilty of a felony**.

**Auditor.**—The Auditor is elected for **four years**. He shall not be less than **twenty-four years of age**, must have been a **resident of the State** at least **two years next preceding** his election or appointment, and must be a **citizen of the United States**. He must execute an **official bond with surety**, to be approved by the Governor, worth at the time **two hundred thousand dollars**. He shall have power to **appoint an assistant**.

His duties are to **keep an account** of all **taxes collected**, a list of all **balances due** by the Commonwealth to individuals and by individuals to the Commonwealth, an account of all **claims of debt or credit** which may exist between the General Government and the



State, and this State and any other State, and also **keep an account** between the **Commonwealth** and all her civil officers, whose wages or salary is payable out of the treasury; a **record** of the **compensation** to members of the General Assembly and the officers thereof. He shall **audit** and enter in account all **other demands** payable at the treasury, all **accounts of the collection** of the revenue or **other tax or public money**, and of all **public debts**. He shall **make faithful reports** of the **annual income** and **expenses** of the Government.

**Attorney-General.**—The Attorney-General is elected for four years.

His duties are to **give his opinion, in writing**, to any executive or ministerial officer of the Commonwealth, when applied to, **touching the duties** of such officer; and, when requested by any of the executive or State officers, to **prepare proper drafts of contracts, obligations, or other instruments** of writing which may be required for public use; to **attend** in behalf of the Commonwealth to **all cases** in which she may be interested, and to **institute** the proper procedure to **coerce payment** of all demands of the Commonwealth, payable at the treasury, **not discharged in proper time**.

**Register of the Land Office.**—The Register of the Land Office is elected for four years. He must **execute an official bond** with surety worth at least **ten thousand dollars**.

His duties are the **care and control** of the **Land Office**.

The Land Office **contains the original patents** and surveys of lands in the Commonwealth.

**Superintendent of Public Instruction.**—The Superintendent of Public Instruction is elected for four years. He is the **head of the School System** in the State.

His duties are to **make report biennially**, on or before the meeting of the General Assembly, of the condition, progress, and prospects of the common schools; to **prepare suitable blanks** for reports required to be made by school

officials; to **report** any neglect of duty or **misappropriation** of common school funds by school officers to the proper authorities; to **have published** for general distribution throughout the State the **general school laws** of the State, and such other **important facts and data** as may be of interest to the public; to **ascertain** and estimate for each school year the **pro rata share** of the school fund **each child** of pupil age shall be entitled to, and **amount each county** and each school district shall be entitled to, as shown by the returns of the County Superintendents. He is also *ex officio* **President of the State Board of Education**, which consists of the Superintendent of Public Instruction, the **Attorney-General**, and the **Secretary of State**, and **two professional teachers** to be elected by them.

**State Geologist.**—The State Geologist has charge of the **geological surveys** of the State, made for the purpose of ascertaining the **mineral resources** of the Commonwealth.

**Commissioner of Agriculture.**—The Commissioner of Agriculture presides over the **Agricultural Bureau**, to aid and encourage that branch of industry.

**Commissioner of Mines.**—The Commissioner of Mines has charge of all the **mines in the State**, for the purpose of seeing that they are properly conducted.

**Adjutant-General.**—The Adjutant-General has charge of the **militia** of the State, the **arms and munitions of war**.

These four officers are appointed by the Governor.

**State Librarian.**—The State Librarian is elected for two years by the **General Assembly**, and has charge of the **Public Library** of the State, and is also **general custodian** of the **Capitol**, and contracts for and furnishes the necessary **fuel and stationery** to the officers of the State.

**Public Printer and Binder.**—The Public Printer and Binder is elected by the **Legislature** for two years. He has charge of the **public printing and binding**. He is paid according to the work done by him.

**Commissioner of Insurance.**—The Commissioner of Insurance is appointed by and is under the general supervision of the Auditor.

His duties are to investigate the responsibility of all insurance companies doing business in the State, and see that they are reliable.

**State Inspector and Examiner.**—The State Inspector and Examiner is appointed by the Governor for two years. He shall once each year inspect and examine into the management and condition of the Auditor's and Treasurer's offices, and the prisons and charitable institutions operated by the State.

**Board of Equalization.**—The Board of Equalization consists of one member from each Congressional District and the Auditor of the State. The members are elected by the qualified voters of each Congressional District, at the congressional election, for two years. They are the general supervisors of the State, and are required to equalize taxation throughout the Commonwealth. They are allowed five dollars a day and mileage.

**Salaries.**—The foregoing officers are allowed annual salaries, payable monthly out of the State treasury, the Public Printer and Board of Equalization excepted. The General Assembly fixes the salaries.

**Vacancies.**—The Governor, in the recess of the Senate, shall have power to fill vacancies in these offices by granting commissions, which shall expire at the end of the next session, and shall fill the vacancy for the balance of the time or until the election, by and with the advice and consent of the Senate.

## CHAPTER VII.

### THE CONSTITUTION OF KENTUCKY.

**A Constitution** consists of the fundamental laws which govern a State or other organized society.

**Definition.**—The Constitution of Kentucky contains the fundamental laws which govern the State. The General Assembly can **not make any law** which is in **conflict** with the Constitution. If they should pass any act in **violation** of the Constitution, the **act would be void**. The judiciary, which interprets or construes the law, would **declare it void**, and the **executive could not enforce it**.

**Purposes.**—The Preamble in the Constitution of this State declares that the Constitution is established “**to secure to all the citizens thereof the enjoyment of the rights of life, liberty, and property, and of pursuing happiness.**”

**Powers.**—The Constitution of this State is, in substance, as follows, viz: It divides the powers of the Government into three distinct departments: the **Legislative**, the **Executive**, and the **Judiciary**.\*

**General Provisions.**—It provides for the organization and supervision of the **State militia**.

The Militia “shall consist of all free, **able-bodied male persons**, resident in the Commonwealth, **between** the ages of **eighteen and forty-five** years, except such persons as may be exempted by the laws of the United States or of this State.”

The privilege of **free suffrage** shall be supported by laws.

Every citizen, of the **age of twenty-one** years, who has resided **in the State two** years, or in the county, town, or city in which he offers to vote, **one year next preceding**

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\* We have already noticed the requirements of the Constitution in reference to these different departments in the chapters devoted to them.

the election, shall be a voter; but such voter shall have been, for **sixty days** next preceding the election, a **resident of the precinct** in which he offers to vote, and he shall vote in said precinct and not elsewhere.

**Absence** on business of the State or the United States shall **not forfeit a residence** once obtained.

Voters shall be privileged **from arrest during their attendance** at, **going to**, and **returning from** elections in all cases, except treason, felony, breach, or surety of the peace.

In all elections by the people, and also by the Senate and House of Representatives, jointly or separately, the **vote** shall be personally and publicly **given viva voce**. Dumb persons may vote by ballot.\*

The **General Assembly** shall **provide** by law for the trial of any **contested election**.

All **elective officers** of the Commonwealth shall **reside** within the **State**, and all district, county, or town officers within their **respective districts**, counties, or towns.

The **manner** of administering an **oath or affirmation** shall be **such** as is most **consistent** with the **conscience** of the deponent.

The Constitution **requires** every **officer** and all **members of the bar** in this State, before entering upon the duties of their office or profession, to **take an oath** to "support the Constitution of the United States and the Constitution of this State so long as he continues a citizen thereof," and also "that since the adoption of the present (State) Constitution, he, being a citizen of the State, has not fought a duel with deadly weapons in this State, nor out of it, with a citizen of this State, nor sent or accepted a challenge to fight a duel with deadly weapons with a citizen of this State, nor acted as second in carrying a challenge, or aided or assisted any person thus offending."

The **Governor** and all **civil officers** shall be **liable to impeachment** for any **misdemeanor** in office.

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\*Elections for Representatives in Congress shall be by ballot.



Every person **convicted** of having given or **offered** any **bribe or treat** to procure his election, **shall be disqualified** from holding any office of trust or profit **for the term** for which he shall have been **elected**.

**Whoever** shall be **convicted** of bribery, perjury, forgery, or other crimes or high misdemeanors, **shall forfeit** his **right of suffrage** and to hold office.

**Treason** against the Commonwealth **consists** only in **levying war** against it, or in **adhering to its enemies**, **giving them aid and comfort**. No person can be **convicted** of treason **unless** on the testimony of **two witnesses** to the same overt act, or on his **own confession** in open court.

The Constitution provides for the "Common School Fund," and the election of a Superintendent of Public Instruction.\*

The **General Assembly** may **regulate the jurisdiction** of the **courts**.

The Seat of Government shall continue in Frankfort until it shall be removed by law: Provided, however, that two thirds of all the members elected to each House of the General Assembly shall concur in the passage of such law.

**Bill of Rights.**—The Bill of Rights, which is a part of the Constitution, provides:

That all free men, when they form a social compact, are equal, and that no man or set of men are entitled to exclusive privileges.

That absolute arbitrary power over the lives, liberty, and property of free men exists nowhere in a republic, not even in the largest majority.

That all power is inherent in the people.

That all men have a natural and indefeasible right to worship God according to the dictates of their own consciences.

That the rights, privileges, or capacities of any citizen shall in nowise be diminished or enlarged on account of his religion.

That all elections shall be free and equal.

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\* We have heretofore alluded to these provisions in Chapter VI.

That the ancient mode of trial by jury shall be held sacred.

That there shall be a free press and free speech—the speaker or writer being responsible for the abuse of that liberty.

That the people shall be secure in their persons, houses, papers, and possessions from unreasonable seizures and searches.

That in all criminal prosecutions the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and, in prosecutions by indictment or information, a speedy public trial by a jury of the vicinage; that he can not be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers or the law of the land.

That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, or by leave of court for oppression or misdemeanor in office.

No person shall for the same offense be twice put in jeopardy of his life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.

That all courts shall be open: and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial, or delay.

That no power of suspending laws shall be exercised unless by the General Assembly or its authority.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

That all persons shall be bailable by sufficient securities, unless for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus*\*

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\*The writ of *habeas corpus* is a writ, issued by a competent court, directing the officer to whom it is directed to bring the person held in confinement before the court, so that the cause of his imprisonment may be investigated.

shall not be suspended unless, when in cases of rebellion or invasion, the public safety may require it.

That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

That no *ex post facto*\* law nor any law impairing contracts shall be made.

That no person shall be attainted of treason or felony by the General Assembly.

That no attainder† shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

That the estates of such persons as shall destroy their own lives shall descend or vest as in case of natural death; and, if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

That the citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for the redress of grievances or other proper purposes by petition, address, or remonstrance.

That the rights of the citizens to bear arms in defense of themselves and the State shall not be questioned; but the General Assembly may pass laws to prevent persons from carrying concealed arms.

That no standing army shall, in time of peace, be kept up without the consent of the General Assembly, and the military shall in all cases and at all times be in strict subordination to the civil power.

That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor, in time of war, but in a manner to be prescribed by law.

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\* An *ex post facto* law is a law "where, after an action (indifferent in itself) is committed, the Legislature then for the first time declares it to have been a crime, and inflicts a punishment upon the person who has committed it."

† An attainder is where a person, by reason of a conviction of a felony, forfeits his lands and tenements, and all his civil rights generally, being neither allowed to inherit nor transmit an inheritance.



That the General Assembly shall not grant any title of nobility or hereditary distinction, nor create any office the appointment of which shall be for a longer time than for a term of years.

That emigration from the State shall not be prohibited.

**Mode of Revising the Constitution.**—When experience shall point out the necessity of amending the Constitution, and when a majority of all the members elected to each House of the General Assembly shall, within the first twenty days of any regular session, concur in passing a law for taking the sense of the people of this Commonwealth as to the necessity and expediency of calling a convention, it shall be the duty of the several sheriffs, and other officers of elections, at the next general election which shall be held for Representatives to the General Assembly after the passage of such law, to open a poll for and make return to the Secretary of State, for the time being, of the names of all those entitled to vote for Representatives who have voted for calling a convention; and if thereupon it shall appear that a majority of all the citizens of this State entitled to vote for Representatives have voted for calling a convention, the General Assembly shall, at their next regular session, direct that a similar poll shall be opened and return made for the next election for Representatives; and if thereupon it shall appear that a majority of all the citizens of this State entitled to vote for Representatives have voted for calling a convention, the General Assembly shall, at their next session, pass a law calling a convention, to consist of as many members as there shall be in the House of Representatives and no more, to be chosen on the first Monday in August thereafter, in the same manner and proportion, and at the same places, and possessed of the same qualifications of a qualified elector by citizens entitled to vote for Representatives, and to meet within three months after their election, for the purpose of re-adopting, changing, or amending this Constitution; but if it shall appear, by the vote of either year as aforesaid, that a majority of all the citizens entitled to vote for Representatives did not vote

for calling a convention, a convention shall not then be called. And, for the purpose of ascertaining whether a majority of the citizens entitled to vote for Representatives did or did not vote for calling a convention as above, the General Assembly passing the law authorizing such vote shall provide for ascertaining the number of citizens entitled to vote for Representatives within the State.

NOTE.—The Constitution of Kentucky contains several sections in regard to the institution of slavery, which of course are now void, as that institution was abolished several years ago.

## CHAPTER VIII.

### JURIES, TRIALS, AND JUDGMENTS.

**Trial by Jury** is one of the **most ancient privileges** of civil government. Centuries ago this mode of trial was established, and it has ever since been the **usual mode** of determining ordinary issues in the courts. This system is a part of the English Code, from which our Government has obtained it, “and it was **ever esteemed** in all countries a **privilege** of the highest and most beneficial nature.”

There are **two kinds** of juries, the **Grand Jury** and the **Petit Jury**.

**Grand Jury.**—**Sixteen Grand Jurymen** shall be summoned by the Sheriff of the county to serve on the first day of the term of each Circuit Court, at which penal or criminal prosecutions may be tried. A Grand Jurymen must be a **housekeeper** and a **citizen** of the county in which he may be called to serve, and **over twenty-one years** of age.

Every person summoned to attend as a grand jurymen, if he **fail** to attend without a reasonable cause, **shall be fined**.

A Grand Jury composed of by-standers, if necessary, may be impaneled at any time **after the discharge** of the Grand Jury first impaneled.

The **court shall appoint one** of the number of every Grand Jury foreman thereof.

The Grand Jury shall take an oath “to diligently inquire of and present all treasons, felonies, misdemeanors, and breaches of the penal laws which shall have been committed or done within the limits or jurisdiction of the county, of which they have any knowledge or may receive information.” If a **sheriff** fail to summon the Grand Jury as required by law, without a reasonable excuse, he shall forfeit and **pay** for such offense a **penalty**.

The Grand Jury **can compel** persons **to appear** before them and **testify**.

**Indictment.**—If, after hearing the evidence, they **consider** that there are **reasonable grounds to believe** that the crime or offense has been committed, they return into court an indictment, prepared by the Commonwealth's Attorney, **charging** the person with the **crime or offense**. The **foreman** indorses upon the indictment "**A true bill,**" and signs his **name thereto**. The indictment, which is a formal **accusation charging** the crime or **offense**, is then returned into court. This is what is called "**finding an indictment.**" If the **evidence** before the Grand Jury should **not be deemed sufficient**, then the indictment is by them "**ignored.**"

If an indictment is found, the accused must be brought to trial.

If he has **already been arrested** and held to bail by a Justice of the Peace, or other proper magistrate, he **answers** to the charge under his bond. Otherwise he is **ordered** to be **arrested** by a **bench warrant**, or writ of arrest.

After **having answered**, or being brought into court, the accused is **entitled** to a fair and speedy trial by a jury of his peers. This is the trial by the Petit Jury.

**Petit Jury.**—A Petit Jury shall consist of **twelve persons**, unless the parties agree that it **may be** composed of a **less number**.

A competent juryman for the trial of criminal, penal, or civil cases in any court must be a **citizen**, at least **twenty-one years** of age, a **housekeeper**, **sober**, **temperate**, **discreet**, and of good demeanor.

**No person** who has served upon the panel of the **Grand or Petit Jury** at one term of a court **shall be eligible** for one year thereafter to be placed upon the panel of the Petit Jury.

**No person** shall be summoned who is **not a qualified juror**.

If a juror in any case shall take or agree to **take a bribe**,

or shall, from favoritism or corrupt partiality, **give or refrain from** giving his verdict, and shall be thereof **convicted**, such juror shall **not thereafter serve** on any jury, and shall be **fin**ed one hundred dollars and a **sum** equal to ten times the amount received or agreed to be received.

No **sheriff** or **other officer** shall converse with a juryman upon any subject after he has been sworn, unless by leave of the court.

No **civil officer** shall be summoned on a Petit Jury in any court.

No **transient person**, physician, surgeon, practicing attorney, or minister of any religious society, shall be compelled to serve on a Petit or Grand Jury. **Cashiers** and **tellers** of all banks doing business in this Commonwealth, and those who may be **supplying** their places for the time, shall be exempt from all jury service.

Each party litigant in **civil actions** shall have the right of **peremptory** challenge to **one fourth** of the jury summoned, and the right to challenge for cause, as now given by law.

In **prosecutions for felony** the defendant is entitled to **twenty** peremptory challenges, and the **Commonwealth** to **five** peremptory challenges.

In prosecutions **for a misdemeanor** each party is entitled to **three** peremptory challenges.

A challenge to the panel **shall only be** for a substantial **irregularity** in selecting or summoning the jury.

**Either** party can also **challenge for cause**, as now given by law.

Before hearing the evidence the jury shall take an oath "**to well and truly try** the issue joined and a true verdict to render."

**Mode of Selecting Juries.**—Three jury commissioners, appointed by the court, **draw the names** of persons who constitute the grand and petit jurors from a box, wherein they have placed the names of those from whom the

jury are to be drawn. These names so drawn are then given to the **sheriff to summon**.

In Justices' courts a jury composed of **six men** are authorized to try a case. This jury is not drawn, but summoned **from by-standers**.

**Trial by Jury.**—After the jury have been selected the trial begins. The plaintiff is the **party who brings** the suit, and the defendant is the **party against whom** the suit is brought.

The **burden** of proof is usually **on the plaintiff**; and the party having the burden of proof **must first** introduce his evidence, **then** the **other side** is heard. The party having the burden of proof has the right to make the **closing argument** to the jury, the other side opens the argument.

If the jury fail to agree, **another trial must be had**, but the same jury can not try the cause again.

If the jury agree in civil causes, the **court can render a judgment** in accordance with the verdict, or set it aside and grant a new trial for proper cause.

In criminal and penal causes, if the defendant is found "**not guilty**" by the verdict, he is **discharged** and the case is ended; but if the defendant is found "**guilty**" by the verdict, the **court** may **either render** a judgment or **set** the verdict **aside** as in civil suits.

A Civil Suit is an **action** before a court between parties for the **enforcement of a contract**, or some real or supposed right. In a civil suit a grand jury is unnecessary. **Either party** may demand a petit jury to determine the facts in the case. The **party against whom** the **decision** is rendered is usually required to pay the costs or expenses of the suit.

**Other Trials.**—Equity suits are those in which **questions of law**, and not fact, are **involved**; and these are generally decided by the court or judge, without the intervention of a jury.

**Judgments.**—Judgments are the **sentences** of the law pronounced by the court.



The **Sheriff** is usually **required to enforce** the judgment of the court; as, in **criminal cases** to convey the **defendant to the penitentiary**, or to **execute him**, according to the judgment. In civil suits, where the judgment is for the purpose of enforcing the payment of a debt or money, what is called a *feri facias*, or an **execution**, is **issued** by the clerk or proper officer, and **placed** in the hands of the **sheriff**, or in some cases the **constable**. It is a writ directing him to **make the debt** out of the property of the **defendant** and pay it over to the plaintiff. Under this writ he is **authorized** to levy upon or seize the **property** of the defendant in the execution, and **sell** it after proper notice, and **pay** to the plaintiff the amount of the debt and costs of the plaintiff.

**Exemptions.**—Under the law **certain property, real and personal**, is exempted from execution for debt.

## CHAPTER IX.

### REVENUE AND TAXATION.

**Sources of Revenue.**—Besides the County Revenue, which consists of a **tax upon** the real and personal **property in the county**, and also a poll or **head tax** upon the **citizens** thereof, **levied** by the Court of Claims each year, **to meet the expenses** of the county, there is also an **annual tax** levied upon the real and personal **property in the State** for the **purpose** of defraying the **expenses** and the **liabilities** of the State. This is the **State Revenue**. A portion of this tax is set apart for the **ordinary expenses** of government, a portion for the support of **common schools**, and a portion for the use of the **sinking fund**, which is a reserved fund set apart for the payment of the public debt of the State, interest thereon, etc.

This revenue is under the control of the **General Assembly**, which establishes and regulates the same. Besides this, the State collects taxes for **licenses** from liquor dealers, keepers of billiard saloons, bowling saloons, ten-pin alleys, circuses, and theatrical performances, and peddlers; also on law processes **recording deeds** and **similar papers**.

We have already referred to the duties of the assessor and sheriff in connection with the public revenue.

**Exemptions.**—Certain property is **exempt** from taxation, such as **cattle** under a certain value, the **growing crop** on land listed for taxation, the **provisions** on hand for family use; also court-houses, clerks' offices, jails, public graveyards, lunatic, orphan, and deaf and dumb asylums, hospitals, infirmaries, widows and orphans' asylums, foundling hospitals, and institutions of like character; also certain **real estate**

**and investments of** public schools, colleges, and seminaries; certain **real estate belonging to** certain secret charitable organizations, churches, etc. ; also the **property of the United States** used for custom-houses, post-offices, docks, ship-yards, forts, arsenals, and barracks. \*

## CHAPTER X.

### GOVERNMENTS OF CITIES.

Cities and towns usually have their own distinct and peculiar laws.

**Organization.**—The charter is granted by the State Legislature, and may be termed the **Constitution** of the City.

The **General Council** usually comprises the **Board of Aldermen**, which is similar to the **Senate**, and the **Board of Councilmen**, which is similar to the **House of Representatives**. This body may be termed the **Legislature** or General Assembly of the city.

It has the **power and authority** to make all necessary **ordinances, appropriations, etc.**, for the city.

**Officers.**—The **Mayor** is the **chief executive officer**. He **sometimes** acts as a **judicial officer**, before whom persons who violate the city ordinances are brought for trial.

A **Police Judge**, however, generally has **jurisdiction** over such cases, **with powers** similar to that of a **justice of the peace**.

The **Marshal** has powers of a nature **similar** to those of a **sheriff**. The **police** have power to **arrest** disorderly persons, and those violating the ordinances.

There is usually a **City Attorney**, a **Street Commissioner**, and **other officers**, with powers and **duties marked out** by the charter and ordinances of the city.

The **Board of Education** have charge of the public schools, and have **special laws** for their guidance.

## CHAPTER XI.

### CHARITABLE INSTITUTIONS.

It is the duty of every State or government **to provide for those** who, from misfortune or the dispensations of Providence, are **unable** to provide for or take care of themselves.

**State Institutions.**—The **Lunatic Asylums** for the **care** and **custody** of the lunatics in the State.

The **Deaf and Dumb Asylum** is for the **care** and the **education** of the deaf and dumb.

The **Kentucky Institution for the Blind** is for the **education** of the blind.

The **Feeble Minded Institute** is for the **care** and **education** of the feeble-minded children of the State.

These institutions are established and maintained **by law** and at the **expense of the State**.

The **Superintendents** of each are appointed **by the Governor**.

They are allowed **annual salaries**, paid **monthly** out of the State treasury.

**County Institutions.**—Each county must **take care** of its own paupers; it may **purchase land** and **erect** a poor-house thereon.

The Court of Claims has power **to levy** a **sum sufficient** to pay for the land and necessary improvements and repairs to the poor-house; **to support** the **poor** of the county therein; **to appoint** one or more **commissioners** of the poor-house and premises, and of the poor of the county whom the court may order to be kept in the poor-house, and pay them; **to vest** the **commissioners** with power by coercion to cause any able-bodied poor person kept at such house to labor; **to appoint** a suitable **person to receive** the money levied for the institution; **to apply the same** to the support of the poor in such

house, and **to allow** such receiver a reasonable **compensation** for his services.

The County Court in term time, or the County Judge in vacation, shall have power **to order** a poor **person** to be **taken** to the poor-house and supported, and **to cause medical aid** to be **employed** at the public expense **for such** of the poor of the county as may be deemed worthy.

Every **person** going about **begging**, or staying in any street or other place to beg, **shall**, on the warrant of the Presiding Judge of the County Court, **be sent** to and kept at the **poor-house**; but if a **male** and **able** to work, he may be **proceeded against** under the **vagrant laws**.



## CHAPTER XII.

### FEDERAL COURTS.

The Federal Courts, or courts of the United States, are something similar to the courts of the States.

**Courts.**—The Federal Courts are as follows, viz: **Supreme Court, Court of Claims, District Courts, Circuit Courts, Courts of Commissioners.**

**Supreme Court.**—The **Supreme Court** of the United States is the **highest court**, and the **court of last resort** in the United States. It consists of a **Chief-Justice** of the United States and **eight Associate Justices**, any six of whom shall constitute a quorum.

They are appointed by the **President** of the United States to serve **for life** or **during good behavior**. They receive an **annual salary**, payable **monthly**, which shall not be diminished during their continuance in office.

The **Supreme Court** shall have power to **appoint a clerk** and a **marshal** for said court and a **reporter** of its decisions.

One or more **deputies** may be appointed by the clerk.

**Jurisdiction.** The **Supreme Court** has original jurisdiction of all **controversies of a civil nature** where a **State** is a party, and also of **proceedings against ambassadors**, their servants, and other public ministers.

It also has **appellate jurisdiction** from the **lower courts** of the United States in cases allowed by law.

**Court of Claims.**—The **Court of Claims** consists of **five judges**, of whom one is **Chief-Justice**.

They are appointed by the **President** for **life** or **during good behavior**.

They receive an **annual salary**, payable **quarterly**.

They have power to **appoint a clerk, an assistant clerk, a bailiff, and a messenger.**

The Court of Claims has jurisdiction of **suits on claims** against the United States.

The **Supreme Court and Court of Claims** hold their sessions at the **National Capital.**

**District Courts.**—The United States is divided into various judicial districts.

In every State in the Union there is a **District Judge.** Some of the States are divided into **two or more districts.** In some instances a judge presides over **two or more districts.** Congress may change the number at any time.

A **District Judge** is appointed by the **President** of the United States for life or during good behavior, and he shall, at **stated times,** receive a **compensation** for his services, which shall **not be diminished** during his continuance in office.

**Jurisdiction.** The District Courts have jurisdiction of all **crimes and offenses** against the United States, committed **within their respective districts** or **upon the high seas,** the punishment of which is **not by death;** of all **civil causes of admiralty and marine jurisdiction;** of all suits for **penalties and forfeitures** incurred under any law of the United States; of all matters and **proceedings in bankruptcy,** and of a great **variety of cases** arising under the laws of the United States.

**Circuit Courts.**—The United States is divided into **nine Circuit Court Districts.**

A Judge for each circuit is appointed by the **President** of the United States for life or during good behavior.

He holds a court in **each district** of the circuit, which he may hold **alone or in conjunction** with the District Judge. In the **absence** of the Circuit Judge a District Judge or **two District Judges** may hold the court. A **Justice of the Supreme Court** of the United States is **also required** to hold a court in each circuit at least once in two years, at which

time he may have associated with him the Circuit Judge or a District Judge of the vicinity.

The salary of the Circuit Judge is **greater than** that of the **District Judge**, and, like that of the District Judge, shall **not be diminished** during his continuance in office.

**Jurisdiction.** The Circuit Courts have **jurisdiction** of all suits of a civil nature at **common law** or in **equity** of which the United States, by law, has cognizance; also of **suits** arising under the **patent or copyright laws**, and of a **variety of other cases**. **Prosecutions** of crimes and offenses against the United States may be, **generally**, in **either the District or the Circuit Court**. **Appeals** may be taken from the **District Court** to the Circuit Court, and from the Circuit Court to the Supreme Court of the United States.

**Trials.**—Grand and Petit Jurors may be **summoned** and **impaneled** in a manner **similar** to that of the **State courts**.

The **practice, pleadings, and proceedings** in the Circuit and District Courts of the United States are **similar** to those of the **State Circuit Courts**.

**Officers.**—The officers of the District and Circuit Courts are a **District Attorney**, a **Marshal**, and a **Clerk**.

The **District Attorney** is **appointed by the President** of the United States **for four years**.

His duties are **to prosecute**, in his district, all delinquents for crimes and offenses cognizable under the authority of the United States, and **to represent** the United States in all civil actions in which it is concerned in the said district. He receives an **annual compensation** and his fees.

The **Marshal** is **appointed by the President** of the United States **for four years**.

He may **appoint** one or more **deputies**.

His duties are **to serve** such **writs, orders, notices, subpoenas**, and **similar processes** as may be legally issued and placed in his hands, **to arrest** persons charged with crimes and offenses, **to attend** the courts in his district, and **keep**

order therein, **to pay** jurors and witnesses for the United States, and **to perform duties** in his courts **similar** to those of a **sheriff** in the State courts.

He is required **to give a bond** for the faithful discharge of his duties.

The **Clerk of the District Court** is appointed by the **Judge** thereof.

The **Clerk of the Circuit Court** is appointed by the **Judge** thereof, the **District Judge** concurring.

It is the duty of the clerks **to keep a record** of all the orders and proceedings of their respective courts, and **to perform such other duties** as may be legitimately required of them.

**One person** may be **clerk of both** courts.

The **fees of the clerks and marshals** are their **compensation**.

**Commissioners' Courts.**—The Commissioners of the Circuit Courts are the most widely distributed of the judicial officers of the United States. Each Circuit Judge is authorized by law to appoint as many discreet persons as he may deem proper to serve as Commissioners of the Circuit Court.

The duties of these Commissioners resemble in some respects those of Justices of the Peace as examining courts. They are required by law to perform various duties, the principal of which are to assist the District and Circuit Courts in taking evidence to be used in the trial of causes, and arresting persons charged with offenses against the United States, and investigating the charges, and holding the accused for trial.

Any Judge of a State or of the United States or any Magistrate is authorized, by law, to arrest, imprison, or bail any person charged with an offense against the United States.

## CHAPTER XIII.

### EXECUTIVE DEPARTMENT OF THE UNITED STATES.

**President and Vice-President.**—The President is the **chief executive officer** of the United States. He is called the **Chief Magistrate** of the nation. He is **elected** and **holds his office for four years**. At the **same time** and **for the same period** another officer is elected, called the **Vice-President**.

They are **not voted for** or elected directly by the people, but by a **body of men called electors**, in the following manner :

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.\*

These electors choose the President and Vice-President. In case no person receives a majority of the votes cast by the electors, then the Constitution of the United States directs how the election shall take place.

In case of the death, resignation, or removal of the President, the **Vice-President becomes the President**; and, in case he dies while President, the **Secretary of State** is President.

No person except a **natural born citizen** of the United States shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have **attained the age of thirty-five years**, and been **fourteen years a resident** within the United States.

The **duties** of the President and Vice-President are set forth in the Constitution.

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\*See Chapter XIV.



They receive an **annual salary**, payable **monthly**.

**President's Cabinet.**—The **Cabinet** of the President consists of eight officers, each the head of a separate administrative department, appointed by the President, as follows, viz: The **Secretary of State**, who shall perform such **duties** as shall from time to time be **enjoined on him** by the President, relative to correspondence, negotiations with or instructions to public ministers or consuls from the United States, or to negotiations with public ministers from foreign States or Princes, or such **other matters respecting foreign affairs** as the President shall assign to his department; the **Secretary of the Treasury**, who **superintends** the **financial affairs** of the Government, and **recommends** to Congress such **measures** as he considers to be of advantage to the credit of the nation; the **Secretary of War**, who has **charge** of the **military affairs** of the nation—it is his duty **to attend** to the construction of fortifications, **to direct** surveys, **to attend** to the transportation of troops, **to prescribe** the kinds as well as the amount of supplies to be purchased for the army, **to establish** signal stations, and **to have supervision** of the engineer, subsistence, ordnance, topographical, medical, and Quartermaster-General's bureaus, and the Adjutant-General's office; the **Secretary of the Navy**, who has **charge** of all **naval affairs** and of the **bureaus** that are naturally appurtenant thereto, such as navy-yards, construction, etc.; the **Secretary of the Interior**, who has **charge** and supervision of the **census**, the **public lands**, the **Indians**, **pensions**, **bounty lands**, **patents**, and **education**; the **Secretary of Agriculture**, whose duty is to **acquire** and **diffuse** among the people **useful information** on subjects connected with **agriculture**; the **Postmaster-General**, who has the **general control** and supervision of all the **post-offices** in the United States, and of all **postal arrangements**, both in the United States and with foreign nations; and the **Attorney-General**, who is the head of the Department of Justice, which includes the courts of the United



States. He is the legal counsel for the President and other Government officers, and it is his duty to advise them and give them opinions on any subjects connected with their offices, when requested.

**Department of State.**—Ambassadors and other Public Ministers are persons sent abroad to represent our Government in other countries. These representatives are of different grades, and are connected with the Department of State. A Secretary of Legation is the secretary or clerk to a foreign embassy.

**Consuls** are persons sent to foreign countries to watch over the interests of our commerce, and to protect the rights of seamen, and are under the supervision of the Secretary of State.

**Treasury Department.**—In the Treasury Department the work is performed by various bureaus, under control of the following officers, viz: First Comptroller, Second Comptroller, First Auditor, Second Auditor, Third Auditor, Fourth Auditor, Fifth Auditor, Sixth Auditor, Treasurer, Register, Commissioner of Customs, Comptroller of the Currency, Commissioner of Internal Revenue, Chief of the Bureau of Statistics, Director of the Mint, Chief of the Bureau of Engraving and Printing.

**Duties of Officers:** The duties of the Comptrollers are to examine all accounts settled by the Auditors, to superintend the adjustment of the public accounts, to countersign all warrants drawn by the Secretary of the Treasury, War, or Navy, and authorized by law, and to superintend the preservation of public accounts; of the Auditors are to receive, examine, and audit all accounts presented against the United States, and transmit the same to the Comptroller for his decision thereon; of the Register are to keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States, and to receive and preserve all accounts which shall have been finally adjusted by the Comptroller

and Commissioner of Customs; and of the **Commissioner of Customs** are to examine all accounts settled by the First Auditor relating to the receipts from customs.

The **Comptroller of the Currency** shall have supervision of the national banks, and conduct the business of the **currency bureau**. The **Commissioner of Internal Revenue** shall have general superintendence of the assessment and collection of all duties and taxes imposed by any law providing for internal revenue. The **Bureau of Statistics** shall have charge of the collection, arrangement, and classification of such statistical information as may be procured, showing or tending to show each year the condition of the agriculture, manufactures, domestic trade, currency, and banks of the several States and Territories. The **Bureau of the Mint** has under its control all mints for the manufacture of coin. The **Bureau of Engraving and Printing** has under its supervision the internal revenue stamps, the national bank notes, and the notes, bonds, and securities of the United States.

Besides these the **Supervising Architect**, who has the general supervision of the construction of all United States buildings, is under the direction of the Treasury Department.

**War Department.**—The Secretary of War is assisted in the discharge of the duties of his office by the **Adjutant-General**, his chief assistant; the **Quartermaster-General**, who has charge of the military stores and supplies; the **Commissary-General**, who has charge of the subsistence department; the **Paymaster-General**, who superintends the pay department of the army; the **Surgeon-General**, who has charge of the medical department; the **Chief of Engineers**, who has charge of the corps of army engineers; the **Chief of Ordnance**, who has charge of the ordnance supplies; the **Chief Signal Officer**, who has charge of all signal duty; and the **Judge-Advocate General**, who has charge of the bureau of military justice.

The **Coast Survey**, which has charge of the preparations

of charts from surveys of the entire sea-coast of the United States, is under the direction of the War Department.

**Navy Department.**—The Navy Department contains the **Bureau of Yards and Docks**, which has charge of the construction of docks, piers, etc.; the **Bureau of Equipment and Recruiting**, which has charge of recruiting; the **Bureau of Navigation**, which has charge of the naval apprentices, the naval observatory, the naval signal office, etc.; the **Bureau of Ordnance**, which has charge of the ordnance stores; the **Bureau of Medicine and Surgery**, which has charge of the medical supplies and naval hospitals; the **Bureau of Provisions and Clothing**, in charge of provisions and clothing; the **Bureau of Steam Engineering**, in charge of the steam machinery, and the **Bureau of Construction and Repair**, in charge of planning, building, and repairing vessels.

**Department of the Interior.**—Its branches are: The **Patent Office**, the **Commissioner** of which has charge of the hearing and deciding cases relating to patents; the **Pension Office**, the **Commissioner** of which has charge of the granting of pensions; the **Land Office**, the **Commissioner** of which has charge of the various matters concerning the public lands; the **Office of Indian Affairs**, the **Commissioner** of which has the general superintendence of all Indian affairs; the **Office of the Census**, the **Superintendent** of which has charge of the census; and the **Bureau of Education**, the **Commissioner** of which has charge of collecting and distributing statistics in regard to education in the United States.

**Post-office Department.**—The Assistants of the Postmaster-General are: The **First Assistant Postmaster-General**, who has the superintendence of the appointment and removal of postmasters of a certain class; the **Second Assistant Postmaster-General**, who has supervision of letting contracts for carrying the mail, and the

**Third Assistant Postmaster-General**, who has charge of the general financial business of the department.

Postmasters are divided into **different classes**. The **highest class** are appointed by the **President**, others by the **post-office department**.

**General Remarks.**—In all these Cabinet departments a sufficient **number of clerks** are **employed** to assist in the transaction of business.

The **Army and Navy** of the **United States** have **numerous officers**, all of whom receive pay from the **United States treasury**.

Many of the **officers** appointed by the **President** **have to be confirmed** by the **Senate**.

There are **many thousands of officers** in the **United States** **performing service** under the **different departments** of the **Government**. It would require a large volume to describe minutely the grand system by which our **Government** is moved.

## CHAPTER XIV.

### CONGRESS.

**Organization.**—The law-making power of the United States is vested in the Senate and House of Representatives. These two bodies are known as the Congress.

Each Congress lasts two years, and holds two sessions—a long one and a short one; but special sessions may be called by the President of the United States.

The Constitution of the United States defines the powers and the duties of Congress.

Congress is very similar to our State Legislature.

The President may veto any bill; but it can be passed over his veto, and become a law, if approved by two thirds of both Houses.

**Senate.**—Each State is entitled to two Senators. They are elected by their respective State Legislatures, and hold office for six years.

In the original selection of Senators it was so arranged, and is now so continued, that one third of the Senators go out every two years; that is, that whenever a new Congress meets two thirds of the Senate are men who have previously served in that body. This is a plan somewhat similar to that of our State Senate, in which one half of the Senators retire every two years. It is believed that this plan best preserves the dignity and usefulness of the Senate.

The Vice-President is *ex-officio* President of the Senate.

A Senator must be at least thirty years of age, a citizen of the State from which he is elected, and have been a citizen of the United States nine years preceding his election.

**House of Representatives.**—The House of Representatives consists of members elected **directly by the people**. They hold office for two years.

The number of Representatives from any State is determined by its population, according to a regular apportionment, which is based upon the decennial census. Each State, however, is entitled to one Representative.

A Representative must be at least twenty-five years of age, and must have been at least seven years a citizen of the United States, and an inhabitant of the State from which he is chosen.

All bills for raising revenue must originate in the House of Representatives.

The **Senators and Representatives** receive a compensation fixed by law, and paid out of the treasury of the United States.

NOTE.—Each organized Territory is entitled to one Delegate, who may engage in debate, but not vote.



## CHAPTER XV.

### REVENUE OF THE UNITED STATES.

**Sources of Revenue.**—The Revenue of the United States is obtained principally from the **Tariff** and the **Internal Revenue**.

The revenue thus collected is paid into the treasury of the United States, and is used for the purpose of paying the debts and expenses of the Government, and providing for the common defense and general welfare.

A vast sum of money is collected every year from these sources.

**The Tariff.**—The Tariff is a tax or duty imposed by law upon certain articles imported into this country from foreign countries.

**Collectors of Customs** are stationed at the different ports of the United States, whose duty it is to collect the tariff.

**The Internal Revenue.**—The Internal Revenue consists of taxes levied upon certain articles, and the manufacturers thereof, which are manufactured in the United States, the principal of which are whisky and tobacco.

**Collectors of Internal Revenue** are located throughout the different States for the purpose of collecting the internal revenue.

The officers who attend to the collection of the internal revenue are the **Collectors, Gaugers, and Storekeepers.**

## CHAPTER XVI.

### CRIMES AND PUNISHMENTS.

A knowledge of the criminal law is very essential to the peace, happiness, and prosperity of every government.

Every citizen should understand the nature of crimes and punishment in order that he may avoid committing a crime.

“A crime or misdemeanor is an act committed or omitted in violation of public law, either forbidding or commanding it. This general definition comprehends both crimes and misdemeanors, which, properly speaking, are mere synonymous terms; though, in common usage, the word ‘crimes’ is made to denote such offenses as are of a deeper and more atrocious dye, while smaller faults and omissions of less consequence are comprised under the gentler name of misdemeanors only.”

Under our statute offenses are either felonies or misdemeanors. Such offenses as are punishable with death or confinement in the penitentiary are felonies. All other offenses, whether at common law or made so by statute, are misdemeanors.

**Felonies.**—**Treason**, which is levying war against the Government, or adhering to its enemies, giving them aid and comfort, and **murder**, which is the willful and malicious taking of human life, are classed as felonies by our statutes.

The punishment for these crimes is death or confinement in the penitentiary.

**Manslaughter**, which is taking life in sudden heat and passion; **bigamy**, which is the crime of marrying again when the offender has a living wife or husband undivorced; **robbery**, which is the feloniously taking of the personal property

of another from his person or in his presence by violence, or putting him in fear; **burglary**, which is the breaking into a dwelling-house in the night time with the intention of committing a felony; **maiming**, which is unlawfully putting out an eye, or cutting or biting off or slitting the tongue, nose, ear, or lips, or cutting or biting off any other limb or member of another person; **arson**, which is the malicious and willful burning or attempting to burn any house; **perjury and false swearing**, which is willfully swearing to that which is false in some judicial proceeding; **subornation of perjury**, which is unlawfully and corruptly causing or procuring another to commit these offenses; **forgery**, which is the fraudulent making or alteration of a writing to the prejudice of another man's right; **counterfeiting**, which is the making of imitations of the true money or currency of the State or Government without lawful authority, with a view to defraud by passing the imitations for the true currency or money; **grand larceny**, which is the felonious taking and carrying away of the personal goods of another, where the property stolen is worth ten dollars or more; **embezzlement**, which is for one person willfully and fraudulently to convert the property of another person to his own use, are also **felonies**, the **punishment** for which is **confinement in the penitentiary** for a **term of years** corresponding to the **gravity of the crime**.

Of other felonies the following may be named: **Willfully and maliciously shooting or stabbing** another with intention to kill, or **maliciously attempting to poison** another, when death does not ensue; **willfully stabbing, striking, or shooting** another, not intending to produce death, whereby the person so injured shall die; **attempting to commit robbery**; **having burglar's tools in possession** with intent to use them burglariously; **knowingly sending a threatening letter** to another with the intention to extort money or other property; **breaking into any house** with intent to steal or destroy property; **unlawfully arresting or imprisoning** another, or **transporting him**

against his will beyond the bounds of this Commonwealth, or **aiding or abetting any one** to do the same; **unlawfully collecting or receiving money or other property** from another, under the pretext of acting under any civil or military authority of this State or the United States; pretending to act under any civil or military authority of this State or the United States, and unlawfully, by force or threats, **preventing another from exercising his lawful trade or calling**, or from the free import or export of any article of produce or merchandise, the import or export of which is not prohibited by law, or **requiring any license other than that imposed by law** for the doing of any such acts; **knowingly having counterfeit money in possession** with the intention of passing the same; **attempting to destroy a steamboat, vessel, or other water-craft**; **knowingly receiving stolen goods** of the value of ten dollars or more; **fraudulently destroying or concealing a will**; **obtaining money or property by false pretenses**; **marrying another, becoming bail for any party, confessing any judgment, acknowledging the conveyance of any instrument, which by law may be recorded, or doing any other act, in another's name**, whereby the person so personated becomes liable or may become liable for debt, damages, or money; **defacing or cutting down a corner tree or stone** to the survey of any tract of land; **tearing up a railroad track or placing an obstruction thereon\***; **voluntarily suffering a prisoner to escape, guilty of felony, by any officer having him in his custody; assisting a prisoner to escape, if the prisoner is charged with felony.** The punishment for all these crimes is **confinement in the penitentiary.**

Any school trustee willfully making any false report, required by law to be reported, or any notary public, **falsely stating in any protest made by him that notices were given or sent by him, shall be deemed guilty of false swearing, and confined in the penitentiary.**

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\*If death is caused thereby, it is murder.

A person in jail convicted of felony, if he escapes, shall be confined in the penitentiary one year for the offense.

**Misdemeanors.**—Petit larceny, which is the felonious taking and carrying away of the personal goods of another, where the property is of less value than ten dollars; knowingly receiving stolen goods of less value than ten dollars; unlawfully shooting and wounding, or shooting at without wounding, another; enticing any person to abandon any contract for labor; voluntarily suffering a prisoner guilty of a misdemeanor to escape by any officer having him in custody; assisting a prisoner to escape if the prisoner is charged with misdemeanor; disturbing religious worship; swearing profanely or being drunk; violating the Sabbath day by doing work or business; killing, disfiguring, or maiming any stock not his own; being guilty of riot, rout, or breach of the peace; fighting a duel or sending a challenge; racing on the highway; injuring or defacing property of any kind; carrying concealed a deadly weapon; unlawfully shooting in a town or city; selling liquor without license, or to a minor, or to any known inebriate, and gaming, are the principal misdemeanors defined in our statutes. The punishment for a misdemeanor is fine or imprisonment in jail, or both.

**Crimes against the United States.**—These are principally as follows, viz:

**Treason**, which has already been defined.

**Violating the pension laws**, such as fraudulently obtaining or fraudulently assisting any one to obtain a pension, or for an attorney or agent to charge an applicant for obtaining a pension a larger sum than is allowed by law, etc.

**Violating the postal laws**, such as mail robbery, intercepting or detaining unlawfully the letters or packages of another, or opening, embezzling, or destroying the same; breaking into a post-office, sending letters with intent to defraud, using postage stamps which have already been used, etc.



**Violating the internal revenue laws**, such as **carrying on** the business of a distiller or liquor dealer or manufacturer of tobacco without having paid a license therefor, unlawfully **breaking into** a bonded warehouse or distillery, unlawfully **removing spirits** on which the tax is not paid, **making** and **using** false stamps, **frauds** in inspection, gauging, etc.

**Counterfeiting** the coin or currency, etc., of the United States.

**Crimes** committed upon the vessels of the United States **on the high seas**, and **crimes** committed **on lakes, harbors, rivers, etc.**, over which the United States has jurisdiction, and **crimes** committed **in the Territories** of the United States.

**Modes of Punishment.**—There are several ways of punishing persons guilty of violating the law, the principal of which are as follows, viz :

1. **Execution**, which is **putting** any one to death as a legal penalty. This is called **capital punishment**, and is usually inflicted by hanging.

2. **Confinement in the penitentiary.** The **penitentiary** is a **house of correction**, in which offenders against the law are confined for punishment and reformation, and compelled to labor. The penitentiary of this State is **under the control** of a **warden**, appointed by the Commissioners of the Sinking Fund (the Governor, Secretary of State, Attorney General, Auditor, and Treasurer), who **have general supervision** thereof. A **work-house** is a city or town **prison** similar to the penitentiary.

3. **Confinement in jail.**

4. **Fines.**

5. **Forfeiture** of right of suffrage and to hold office.

NOTE.—Whipping and branding are also resorted to in some instances and places, but this does not apply to our State. In some countries malefactors are banished, and there are also other modes of punishment which are not common to our Government.



# QUESTIONS.

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## CHAPTER I.

What is civil government? Why was it established? What are the foundations of society? How was the preservation of mankind effected? What keeps mankind together, and demonstrates the necessity of this union? What is the natural foundation and cement of civil society? What is meant by the original contract of society? What should the community do? What should each individual do? What is necessary for protection? When does government result? For what is it necessary? Why should a superior be constituted and obeyed? Name the different forms of government, and define them? What is a Republic? Tell the difference between a Republic and a Democracy? What is the Government of the United States? Of what is the United States composed? What is the Constitution of the United States? What are the reserved rights of the States? What may the Constitution be properly called? What can not the Congress nor the Legislature do? Of what is a State composed? What is a State? What does the National Constitution bind? What does the State Constitution bind? What does the United States and State have? What is a county? What is the character of the civil government of the States?

## CHAPTER II.

How is a county divided? What of roads? What is the duty of the Government in regard to roads? What power can open and keep roads in repair? How are roads opened, altered, or discontinued? How are damages assessed? How are the damages paid? Through what places shall a road not run? How wide shall roads be? What is the penalty for obstructing a road? Who can divide roads into precincts? What is the duty of a Surveyor? Who appoints the Surveyor? When can the Surveyor resign? What persons shall work on a road? What is the penalty for a failure to attend and work? What may the Surveyor impress? Who pays for articles impressed? What is the compensation of a Surveyor of roads? How are turnpike roads built? How are lands acquired by them? What regulates the tolls and manner of travel? What of education? By whom are school districts established? How many pupils shall be included in a district? What is the school fund? Under whose control are the districts? For how

long are the Trustees elected? Who is chairman of the Board? What are the Trustees? What taxes have they a right to levy? What are their powers and duties? What is their compensation? What of the office of Justice of the Peace? How is each county divided? How many justices in each district? How long do they serve? What are the powers of a Justice of the Peace? What is the Court of Claims? What are its duties? What is the compensation of a Justice of the Peace? For how long is a Constable elected? What are his duties? What is his compensation? Does he give a bond?

### CHAPTER III.

For how long is the County Judge elected? What are his duties and powers? What is his compensation? Does he give a bond? For how long is the County Clerk elected? What are his duties? What is his compensation? Does he give bond? For how long is the Sheriff elected? When is he ineligible for re-election? What are his duties and powers? What is his compensation? Does he give bond? For how long is the County Attorney elected? What are his duties and compensation? For how long is the Assessor elected? What are his duties and compensation? Does he give a bond? What is the Board of Supervisors? What are their duties? For how long is the County Surveyor elected? What are his duties and compensation? Does he give a bond? For how long is the Coroner elected? What are his duties and compensation? Does he give a bond? For how long is the County Superintendent elected? What are his duties and compensation? Does he give bond? What is the term of office of Circuit Court Clerk? What are his duties? His compensation, etc? For how long is the Jailer elected? What are his duties and compensation? What of the eligibility of these officers? How are vacancies filled?

### CHAPTER IV.

When are County Courts held? Are they courts of record? Who holds them? What are the powers of the County Court? What is the Court of Claims? What are its powers? What is the Quarterly Court? Who holds it? What are its powers? What are Justices' Courts? What is a Circuit Court? What are its powers and jurisdiction? Who presides over it? Is it a court of record? How often is it held? What are the qualifications of a Circuit Judge? For how long is he elected; and by whom? What is the compensation of the Judge of the Circuit Court? For how long is a Commonwealth's Attorney elected? Who may fill the office? What are his duties? His compensation? What are Criminal, Common Pleas, and Chancery Courts? What is the Court of Appeals? Of how many judges is it composed; and for how long are they elected? What of its salaries? What are the qualifications of the judges? What are their duties; compensation? How is the Clerk of the Court of Appeals elected? What are his duties? Qualifications? Compensation? How is the Reporter of the Court of Appeals elected? What are his duties? Qualifications? Compensation? How is the Sergeant of the Court of Appeals elected? What

are his duties? Qualifications? Compensation? What is the Superior Court? How many judges has it, and for how long are they elected? What are their qualifications? What is their jurisdiction? What of their compensation?

### CHAPTER V.

How many Senatorial Districts? How arranged? Who elect the Senators? Term of office? How is their election arranged? How many members of the House? When is a county entitled to more than one Representative? When does one represent several counties? How and when is the ratio fixed? Term of office? Qualifications of a Senator? Of a member of the House? What persons are disqualified for either office? What exceptions are made to this? What constitutes a quorum? What does each House decide? Contested election, how decided? Each House establishes what? Duties of each? Duty in reference to adjournment? Bills for Revenue originate where? Restrictions on laws passed? What proceedings are had before a bill is passed? How may this be dispensed with? What sum can be appropriated without a majority of all voting? When must yeas and nays be entered in the journal?

### CHAPTER VI.

What is the Governor? With what power is he vested? For how many years is he elected? What are his qualifications? Who can not be Governor? What of his compensation? What are his powers and duties? When and for how long is the Lieutenant-Governor elected? What are his qualifications and duties? How are vacancies in the offices of Governor and Lieutenant-Governor filled? What is the compensation of the Lieutenant-Governor? How is the Secretary of State appointed? What are his duties? For how long is the Treasurer elected? What are his qualifications and duties? Does he give a bond? For how long is the Auditor elected? What are his duties and qualifications? Does he give bond? For how long is the Attorney-General elected? What are his duties and qualifications? For how long is the Register of the Land Office elected? What are his duties and qualifications? For how long is the Superintendent of Public Instruction elected? What are his duties and qualifications? What are the duties of the State Geologist; the Commissioner of Agriculture; the Commissioner of Mines; the Adjutant-General; by whom are these officers appointed? How is the State Librarian elected; duties? What is the Public Printer? What are his duties and compensation? How is the State Inspector and Examiner appointed? Term of office? Duties? What is the Commissioner of Insurance? What are his duties? What are the compensations of these officers? What is the Board of Equalization? What are its duties and compensation? What are the salaries of the Auditor, Treasurer, etc? How are vacancies filled?

### CHAPTER VII.

What is a constitution? What is the Constitution of Kentucky? What can not the General Assembly do? What does the preamble to

the State Constitution declare? State, in substance, the provisions of the State Constitution. State how it may be revised. Who are qualified voters? What are their privileges? What is the Bill of Rights? State its provisions.

### CHAPTER VIII.

What of trial by jury? How many kinds of juries are there? What are they called? What are the qualifications of a grand jurymen? How many persons constitute the grand jury? What is the penalty for failure to attend as a grand jurymen? When may bystanders be impaneled? How is the foreman appointed? What is the oath of the grand jury? What power have they in regard to testimony? What is an indictment? When may it be returned? By whom is it prepared? What is indorsed upon the indictment, and by whom? When may an indictment be ignored? When, and in what manner, is the accused brought to trial? What is the trial by the petit jury? Of how many persons does it consist? State the qualifications of a competent jurymen. When is a person ineligible as a jurymen? Who shall not be summoned? What is the penalty for a jurymen receiving a bribe, etc? Who may not converse with the jury? Who may not be compelled to serve on a jury? How many peremptory challenges, and when? What is a challenge to the panel? What oath shall the jury take? How are juries drawn and summoned? How many persons constitute a jury in Justices' Courts? How are they summoned? When does the trial by jury begin? How is the evidence introduced? Who may make the closing argument? What if the jury fail to agree? What of a verdict in civil causes; in criminal and penal causes? What is a civil suit? What is the plaintiff; the defendant? Who may demand a petit jury? Who must pay the costs? What are equity suits? What are judgments? How are judgments enforced? What are exemptions?

### CHAPTER IX.

What is the county revenue? State revenue? How is it set apart? Under whose control is it? What other taxes are collected? What property is exempt from taxation?

### CHAPTER X.

What of cities and towns? What is the charter? Describe the organization. Name the officers. Duties of each?

### CHAPTER XI.

What is the duty of every State or Government? What are lunatic asylums? Deaf and dumb asylum? Kentucky Institution for the Blind? Feeble-minded institute? How are they maintained and established? By whom are the Superintendents appointed? What of

their salaries? What is the duty of each county in regard to its paupers? What is the power of the Court of Claims? Of the County Judge? What is the law in reference to beggars?

## CHAPTER XII.

What are the Federal Courts? What is the Supreme Court? Of how many judges does it consist? By whom are they appointed, and for how long? What of their salaries? Jurisdiction? What is the Court of Claims? Of how many judges does it consist? What of their salaries? Jurisdiction? How is the United States divided? How many District Judges in a State? By whom and for how long is the District Judge appointed? What is the jurisdiction? What of Circuit Courts? By whom and for how long are the judges appointed? How are the Circuit Courts held? What of the salaries? Jurisdiction of the Circuit Courts? What of appeals? Practice and pleadings? What are the officers, and what are their duties and salaries? Commissioners of Circuit Courts? Their duties?

## CHAPTER XIII.

Who is the President? For how long does he hold office? Who is the Vice-President? How are they elected? In case of death, etc., who becomes President? What are the qualifications of the President? What are their salaries? What is the Cabinet? By whom appointed? Describe the duties of the Secretary of State; Secretary of the Treasury; Secretary of War; Navy; Interior; Secretary of Agriculture; Postmaster-General; Attorney-General; Ambassadors, etc; Secretary of Legation; Consuls; Comptrollers; Auditors; Commissioners of Customs; Comptroller of Currency; Commissioner of Internal Revenue; Bureau of Statistics; Bureau of the Mint; Bureau of Engraving and Printing; Supervising Architect; Adjutant-General; Quartermaster-General; Commissary-General; Paymaster-General; Surgeon-General; Chief of Engineers; Chief of Ordnance; Chief Signal Officer; Advocate-General; Coast Survey. What of the Bureau of Yards and Docks; Equipment and Recruiting; Navigation; Ordnance; Medicine and Surgery; Provisions and Clothing; Steam Engineering, and Construction and Repairs; Patent Office; Pension; Land; Indian Affairs; Office of the Census; Bureau of Education; Assistants Postmaster-General? How are Postmasters appointed?

## CHAPTER XIV.

In what is the law-making power of the United States vested? What is Congress? What of the veto power? Compensation of Senators and Representatives? How long does each Congress last? How may special sessions be called? To how many Senators is each State entitled? How are they elected? For how long do they hold office? How is the election of Senators arranged? What are the qualifications of a Senator? How are Representatives elected? For how long do they hold office? How is the number of Representatives determined? What are their qualifications? What of bills for raising revenue?

**CHAPTER XV.**

How is the Revenue of the United States obtained? What is done with the revenue? What is the Tariff; Collectors of Customs; Internal Revenue; Collectors of Internal Revenue? What are Gaugers and Storekeepers?

**CHAPTER XVI.**

What is a crime or misdemeanor? What are felonies; misdemeanors? What is treason; murder; etc? What is the punishment for each? Petit larceny; etc? Punishment for each? Describe the principal crimes against the United States. Describe the different crimes and punishments. What is a penitentiary; a work-house?



# CONSTITUTION OF KENTUCKY.

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## PREAMBLE.

We, the representatives of the people of the State of Kentucky, in convention assembled, to secure to all the citizens thereof the enjoyment of the rights of life, liberty, and property, and of pursuing happiness, do ordain and establish this Constitution for its government.

## ARTICLE I.

### CONCERNING THE DISTRIBUTION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of the Government of the State of Kentucky shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judiciary, to another.

SEC. 2. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

## ARTICLE II.

### CONCERNING THE LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power shall be vested in a House of Representatives and Senate, which together shall be styled the General Assembly of the Commonwealth of Kentucky.

SEC. 2. The members of the House of Representatives shall continue in service for the term of two years from the day of the general election, and no longer.

SEC. 3. Representatives shall be chosen on the first Monday in August in every second year, and the mode of holding the elections shall be regulated by law.

SEC. 4. No person shall be a Representative who, at the time of his election, is not a citizen of the United States, has not attained the age of twenty-four years, and who has not resided in this State two years next preceding his election, and the last year thereof in the county, town, or city for which he may be chosen.

SEC. 5. The General Assembly shall divide each county of this Commonwealth into convenient election precincts, or may delegate

power to do so to such county authorities as may be designated by law; and elections for Representatives for the several counties shall be held at the places of holding their respective courts, and in the several election precincts into which the counties may be divided: *Provided*, That when it shall appear to the General Assembly that any city or town hath a number of qualified voters equal to the ratio then fixed, such city or town shall be invested with the privilege of a separate representation in either or both Houses of the General Assembly, which shall be retained so long as such city or town shall contain a number of qualified voters equal to the ratio which may, from time to time, be fixed by law; and thereafter elections for the county in which such city or town is situated shall not be held therein; but such city or town shall not be entitled to a separate representation unless such county, after the separation, shall also be entitled to one or more Representatives. That whenever a city or town shall be entitled to a separate representation in either House of the General Assembly, and by its numbers shall be entitled to more than one Representative, such city or town shall be divided, by squares which are contiguous, so as to make the most compact form, into representative districts, as nearly equal as may be, equal to the number of Representatives to which such city or town may be entitled; and one Representative shall be elected from each district. In like manner shall said city or town be divided into Senatorial districts, when, by the apportionment, more than one Senator shall be allotted to such city or town; and a Senator shall be elected from each Senatorial district; but no ward or municipal division shall be divided by such division of Senatorial or Representative districts, unless it be necessary to equalize the elective Senatorial or Representative districts.

SEC. 6. Representation shall be equal and uniform in this Commonwealth, and shall be forever regulated and ascertained by the number of qualified voters therein. In the year 1850, again in the year 1857, and every eighth year thereafter, an enumeration of all the qualified voters of the State shall be made; and, to secure uniformity and equality of representation, the State is hereby laid off into ten districts. The first district shall be composed of the counties of Fulton, Hickman, Ballard, McCracken, Graves, Calloway, Marshall, Livingston, Crittenden, Union, Hopkins, Caldwell, and Trigg. The second district shall be composed of the counties of Christian, Muhlenburg, Henderson, Daviess, Hancock, Ohio, Breckinridge, Meade, Grayson, Butler, and Edmonson. The third district shall be composed of the counties of Todd, Logan, Simpson, Warren, Allen, Monroe, Barren, and Hart. The fourth district shall be composed of the counties of Cumberland, Adair, Green, Taylor, Clinton, Russell, Wayne, Pulaski, Casey, Boyle, and Lincoln. The fifth district shall be composed of the counties of Hardin, Larue, Bullitt, Spencer, Nelson, Washington, Marion, Mercer, and Anderson. The sixth district shall be composed of the counties of Garrard, Madison, Estill, Owsley, Rockcastle, Laurel, Clay, Whitley, Knox, Harlan, Perry, Letcher, Pike, Floyd, and Johnson. The sev-

enth district shall be composed of the counties of Jefferson, Oldham, Trimble, Carroll, Henry, and Shelby, and the city of Louisville. The eighth district shall be composed of the counties of Bourbon, Fayette, Scott, Owen, Franklin, Woodford, and Jessamine. The ninth district shall be composed of the counties of Clark, Bath, Montgomery, Fleming, Lewis, Greenup, Carter, Lawrence, Morgan, and Breathitt. The tenth district shall be composed of the counties of Mason, Bracken, Nicholas, Harrison, Pendleton, Campbell, Grant, Kenton, Boone, and Gallatin. The number of Representatives shall, at the several sessions of the General Assembly next after the making of the enumerations, be apportioned among the ten several districts according to the number of qualified voters in each; and the Representatives shall be apportioned, as near as may be, among the counties, towns, and cities in each district; and in making such apportionment the following rules shall govern, to wit: Every county, town, or city having the ratio shall have one Representative; if double the ratio, two Representatives, and so on. Next, the counties, towns, or cities having one or more Representatives, and the largest number of qualified voters above the ratio, and counties having the largest number under the ratio shall have a Representative, regard being always had to the greatest number of qualified voters: *Provided*, That when a county may not have a sufficient number of qualified voters to entitle it to one Representative, then such county may be joined to some adjacent county or counties, which counties shall send one Representative. When a new county shall be formed of territory belonging to more than one district, it shall form a part of that district having the least number of qualified voters.

SEC. 7. The House of Representatives shall choose its Speaker and other officers.

SEC. 8. Every free white male citizen of the age of twenty-one years, who has resided in the State two years, or in the county, town, or city in which he offers to vote, one year next preceding the election, shall be a voter; but such voter shall have been for sixty days next preceding the election a resident of the precinct in which he offers to vote, and he shall vote in said precinct and not elsewhere.

SEC. 9. Voters in all cases, except treason, felony, breach or surety of the peace, shall be privileged from arrest during their attendance at, going to, and returning from elections.

SEC. 10. Senators shall be chosen for the term of four years, and the Senate shall have power to choose its officers biennially.

SEC. 11. Senators and Representatives shall be elected, under the first apportionment after the adoption of this Constitution, in the year 1851.

SEC. 12. At the session of the General Assembly next after the first apportionment under this Constitution the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the first class shall be vacated at the end of two years from the day of the election, and those of the second class at the end of four years, so that one half shall be chosen every two years.

SEC. 13. The number of Representatives shall be one hundred, and the number of Senators thirty-eight.

SEC. 14. At every apportionment of representation the State shall be laid off into thirty-eight Senatorial districts, which shall be so formed as to contain, as near as may be, an equal number of qualified voters, and so that no county shall be divided in the formation of a Senatorial district, except such county shall be entitled, under the enumeration, to two or more Senators; and where two or more counties compose a district they shall be adjoining.

SEC. 15. One Senator for each district shall be elected by the qualified voters therein, who shall vote in the precincts where they reside, at the places where elections are by law directed to be held.

SEC. 16. No person shall be a Senator who, at the time of his election, is not a citizen of the United States, has not attained the age of thirty years, and who has not resided in this State six years next preceding his election, and the last year thereof in the district for which he may be chosen.

SEC. 17. The election of Senators next after the first apportionment under this Constitution shall be general throughout the State, and at the same time that the election for Representatives is held; and thereafter there shall be a biennial election for Senators to fill the places of those whose term of service may have expired.

SEC. 18. The General Assembly shall convene on the first Monday in November after the adoption of this Constitution, and again on the first Monday in November, 1851, and on the same day of every second year thereafter, unless a different day be appointed by law, and their sessions shall be held at the Seat of Government.

SEC. 19. Not less than a majority of the members of each House of the General Assembly shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members in such manner and under such penalties as may be prescribed thereby.

SEC. 20. Each House of the General Assembly shall judge of the qualifications, elections, and returns of its members, but a contested election shall be determined in such manner as shall be directed by law.

SEC. 21. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and, with the concurrence of two thirds, expel a member, but not a second time for the same cause.

SEC. 22. Each House of the General Assembly shall keep and publish weekly a journal of its proceedings, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on their journal.

SEC. 23. Neither House during the session of the General Assembly shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 24. The members of the General Assembly shall severally receive from the public treasury a compensation for their services,



which shall be three dollars a day during their attendance on, and twelve and a half cents per mile for the necessary travel in going to and returning from the sessions of their respective Houses: *Provided*, That the same may be increased or diminished by law; but no alteration shall take effect during the session at which such alteration shall be made; nor shall a session of the General Assembly continue beyond sixty days, except by a vote of two thirds of all the members elected to each House; but this shall not apply to the first session held under this Constitution.

SEC. 25. The members of the General Assembly shall in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

SEC. 26. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this Commonwealth which shall have been created, or the emoluments of which shall have been increased during the said term, except to such offices or appointments as may be filled by the election of the people.

SEC. 27. No person, while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society, or sect, nor while he holds or exercises any office of profit under this Commonwealth or under the Government of the United States, shall be eligible to the General Assembly, except attorneys at law, justices of the peace, and militia officers: *Provided*, That attorneys for the Commonwealth who receive a fixed annual salary shall be ineligible.

SEC. 28. No person who at any time may have been a collector of taxes or public moneys for the State, or the assistant or deputy of such collector, shall be eligible to the General Assembly unless he shall have obtained a *quietus*, six months before the election, for the amount of such collection and for all public moneys for which he may have been responsible.

SEC. 29. No bill shall have the force of a law until on three several days it be read over in each House of the General Assembly, and free discussion allowed thereon, unless, in cases of urgency, four fifths of the House where the bill shall be depending may deem it expedient to dispense with this rule.

SEC. 30. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments, as in other bills: *Provided*, That they shall not introduce any new matter, under color of amendment, which does not relate to raising revenue.

SEC. 31. The General Assembly shall regulate, by law, by whom and in what manner writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

SEC. 32. The General Assembly shall have no power to grant divorces, to change the names of individuals, or direct the sales of

estates belonging to infants or other persons laboring under legal disabilities, by special legislation; but by general laws shall confer such powers on the Courts of Justice.

SEC. 33. The credit of this Commonwealth shall never be given or loaned in aid of any person, association, municipality, or corporation.

SEC. 34. The General Assembly shall have no power to pass laws to diminish the resources of the sinking fund, as now established by law, until the debt of the State be paid, but may pass laws to increase them, and the whole resources of said fund from year to year shall be sacredly set apart and applied to the payment of the interest and principal of the State debt, and to no other use or purpose, until the whole debt of the State is fully paid and satisfied.

SEC. 35. The General Assembly may contract debts to meet casual deficits or failures in the revenue, but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed five hundred thousand dollars; and the moneys arising from loans creating such debts shall be applied to the purposes for which they were obtained, or to repay such debts: *Provided*, That the State may contract debts to repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defense.

SEC. 36. No act of the General Assembly shall authorize any debt to be contracted on behalf of the Commonwealth, except for the purposes mentioned in the thirty-fifth section of this article, unless provision be made therein to lay and collect an annual tax sufficient to pay the interest stipulated, and to discharge the debt within thirty years; nor shall such act take effect until it shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it: *Provided*, That the General Assembly may contract debts by borrowing money to pay any part of the debt of the State without submission to the people, and without making provision in the act authorizing the same for a tax to discharge the debt so contracted or the interest thereon.

SEC. 37. No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title.

SEC. 38. The General Assembly shall not change the venue in any criminal or penal prosecution, but shall provide for the same by general laws.

SEC. 39. The General Assembly may pass laws authorizing writs of error in criminal or penal cases, and regulating the right of challenge of jurors therein.

SEC. 40. The General Assembly shall have no power to pass any act or resolution for the appropriation of any money, or the creation of any debt exceeding the sum of one hundred dollars at any one time, unless the same, on its final passage, shall be voted for by a majority of all the members then elected to each branch of the General Assembly, and the yeas and nays thereon entered on the journal.



## ARTICLE III.

## CONCERNING THE EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of the Commonwealth shall be vested in a chief magistrate, who shall be styled the Governor of the Commonwealth of Kentucky.

SEC. 2. The Governor shall be elected for the term of four years, by the qualified voters of the State, at the time when and places where they shall respectively vote for Representatives. The person having the highest number of votes shall be Governor; but, if two or more shall be equal and highest in votes, the election shall be determined by lot in such manner as the General Assembly may direct.

SEC. 3. The Governor shall be ineligible for the succeeding four years after the expiration of the term for which he shall have been elected.

SEC. 4. He shall be at least thirty-five years of age and a citizen of the United States, and have been an inhabitant of this State at least six years next preceding his election.

SEC. 5. He shall commence the execution of the duties of his office on the fifth Tuesday succeeding the day of the general election on which he shall have been chosen, and shall continue in the execution thereof until his successor shall have taken the oaths or affirmations prescribed by this Constitution.

SEC. 6. No member of Congress, or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of Governor.

SEC. 7. The Governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he was elected.

SEC. 8. He shall be commander-in-chief of the army and navy of this Commonwealth and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field unless advised so to do by a resolution of the General Assembly.

SEC. 9. He shall have power to fill vacancies that may occur by granting commissions, which shall expire when such vacancies shall have been filled according to the provisions of this Constitution.

SEC. 10. He shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachment. In cases of treason he shall have power to grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested; but he shall have no power to remit the fees of the clerk, sheriff, or Commonwealth's attorney in penal or criminal cases.

SEC. 11. He may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices.

SEC. 12. He shall from time to time give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may deem expedient.

SEC. 13. He may, on extraordinary occasions, convene the General Assembly at the Seat of Government, or at a different place if that should have become, since their last adjournment, dangerous, from an enemy or from contagious disorders; and, in case of disagreement between the two Houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not exceeding four months.

SEC. 14. He shall take care that the laws be faithfully executed.

SEC. 15. A Lieutenant-Governor shall be chosen at every regular election for Governor, in the same manner, to continue in office for the same time and possess the same qualifications as the Governor. In voting for Governor and Lieutenant-Governor, the electors shall state for whom they vote as Governor and for whom as Lieutenant-Governor.

SEC. 16. He shall, by virtue of his office, be Speaker of the Senate; have a right, when in committee of the whole, to debate and vote on all subjects, and, when the Senate are equally divided, to give the casting vote.

SEC. 17. Should the Governor be impeached, removed from office, die, refuse to qualify, resign, or be absent from the State, the Lieutenant-Governor shall exercise all the power and authority appertaining to the office of Governor until another be duly elected and qualified, or the Governor absent or impeached shall return or be acquitted.

SEC. 18. Whenever the Government shall be administered by the Lieutenant-Governor, or he shall fail to attend as Speaker of the Senate, the Senators shall elect one of their own members as Speaker for that occasion. And if, during the vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the State, the Speaker of the Senate shall in like manner administer the Government: *Provided*, That, whenever a vacancy shall occur in the office of Governor before the first two years of the term shall have expired, a new election for Governor shall take place to fill such vacancy.

SEC. 19. The Lieutenant-Governor, or Speaker *pro tempore* of the Senate, while he acts as Speaker of the Senate, shall receive for his services the same compensation which shall for the same period be allowed to the Speaker of the House of Representatives, and no more; and, during the time he administers the Government as Governor, shall receive the same compensation which the Governor would have received had he been employed in the duties of his office.

SEC. 20. If the Lieutenant-Governor shall be called upon to administer the Government, and shall, while in such administra-

tion, resign, die, or be absent from the State during the recess of the General Assembly, it shall be the duty of the Secretary of State for the time being to convene the Senate for the purpose of choosing a Speaker.

SEC. 21. The Governor shall nominate and, by and with the advice and consent of the Senate, appoint a Secretary of State, who shall be commissioned during the term for which the Governor was elected, if he shall so long behave himself well. He shall keep a fair register and attest all the official acts of the Governor, and shall, when required, lay the same and all papers, minutes, and vouchers relative thereto before either House of the General Assembly, and shall perform such other duties as may be required of him by law.

SEC. 22. Every bill which shall have passed both Houses shall be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it originated, who shall enter the objections at large upon their journal and proceed to reconsider it. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall likewise be considered, and, if approved by a majority of all the members elected to that House, it shall be a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journals of each House respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly by their adjournment prevent its return; in which case it shall be a law unless sent back within three days after their next meeting.

SEC. 23. Every order, resolution, or vote in which the concurrence of both Houses may be necessary, except on a question of adjournment, shall be presented to the Governor, and before it shall take effect be approved by him; or, being disapproved, shall be re-passed by a majority of all the members elected to both Houses, according to the rules and limitations prescribed in case of a bill.

SEC. 24. Contested elections for Governor and Lieutenant-Governor shall be determined by both Houses of the General Assembly, according to such regulations as may be established by law.

SEC. 25. A Treasurer shall be elected by the qualified voters of the State for the term of two years, and an Auditor of Public Accounts, Register of the Land Office, and Attorney-General for the term of four years. The duties and responsibilities of these officers shall be prescribed by law: *Provided*, That inferior State officers, not especially provided for in this Constitution, may be appointed or elected, in such manner as shall be prescribed by law, for a term not exceeding four years.

SEC. 26. The first election under this Constitution for Governor, Lieutenant-Governor, Treasurer, Auditor of Public Accounts, Register of the Land Office, and Attorney-General shall be held on the first Monday in August in the year 1851.

#### ARTICLE IV.

##### CONCERNING THE JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this Commonwealth, both as to matters of law and equity, shall be vested in one Supreme Court (to be styled the Court of Appeals), the courts established by this Constitution, and such courts inferior to the Supreme Court as the General Assembly may from time to time erect and establish.

##### CONCERNING THE COURT OF APPEALS.

SEC. 2. The Court of Appeals shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations not repugnant to this Constitution as may from time to time be prescribed by law.

SEC. 3. The Judges of the Court of Appeals shall, after their first term, hold their offices for eight years from and after their election and until their successors shall be duly qualified, subject to the conditions hereinafter prescribed; but, for any reasonable cause, the Governor shall remove any of them on the address of two thirds of each House of the General Assembly: *Provided, however,* That the cause or causes for which such removal may be required shall be stated at length in such address and on the journal of each House. They shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during the time for which they shall have been elected.

SEC. 4. The Court of Appeals shall consist of four Judges, any three of whom may constitute a court for the transaction of business. The General Assembly, at its first session after the adoption of this Constitution, shall divide the State, by counties, in four districts, as nearly equal in voting population and with as convenient limits as may be, in each of which the qualified voters shall elect one Judge of the Court of Appeals: *Provided,* That, whenever a vacancy shall occur in said Court for any cause, the General Assembly shall have the power to reduce the number of Judges and districts, but in no event shall there be less than three Judges and districts. Should a change in the number of the Judges of the Court of Appeals be made, the term of office and number of districts shall be so changed as to preserve the principle of electing one Judge every two years.

SEC. 5. The Judges shall, by virtue of their offices, be conservators of the peace throughout the State. The style of all process shall be "The Commonwealth of Kentucky." All prosecutions



shall be carried on in the name and by the authority of the Commonwealth of Kentucky, and conclude "against the peace and dignity of the same."

SEC. 6. The Judges first elected shall serve as follows, to wit: One shall serve until the first Monday in August, 1852; one until the first Monday in August, 1854; one until the first Monday in August, 1856, and one until the first Monday in August, 1858. The Judges, at the first term of the Court succeeding their election, shall determine, by lot, the length of time which each one shall serve, and at the expiration of the service of each an election in the proper district shall take place to fill the vacancy. The Judge having the shortest time to serve shall be styled the Chief-Justice of Kentucky.

SEC. 7. If a vacancy shall occur in said Court from any cause, the Governor shall issue a writ of election to the proper district to fill such vacancy for the residue of the term: *Provided*, That, if the unexpired term be less than one year, the Governor shall appoint a Judge to fill such vacancy.

SEC. 8. No person shall be eligible to the office of Judge of the Court of Appeals who is not a citizen of the United States, a resident of the district for which he may be a candidate two years next preceding his election, at least thirty years of age, and who has not been a practicing lawyer eight years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall not be equal to eight years.

SEC. 9. The Court of Appeals shall hold its sessions at the Seat of Government, unless otherwise directed by law; but the General Assembly may from time to time direct that said Court shall hold its sessions in any one or more of said districts.

SEC. 10. The first election of the Judges and Clerk or Clerks of the Court of Appeals shall take place on the second Monday in May, 1851, and thereafter in each district as a vacancy may occur by the expiration of the term of office; and the Judges of the said Court shall be commissioned by the Governor.

SEC. 11. There shall be elected by the qualified voters of this State a Clerk of the Court of Appeals, who shall hold his office from the first election until the first Monday in August, 1858, and thereafter for the term of eight years from and after his election; and, should the General Assembly provide for holding the Court of Appeals in any one or more of said districts, they shall also provide for the election of a Clerk by the qualified voters of such district, who shall hold his office for eight years, possess the same qualifications, and be subject to removal in the same manner as the Clerk of the Court of Appeals; but if the General Assembly shall, at its first or any other session, direct the Court of Appeals to hold its session in more than one district, a Clerk shall be elected by the qualified voters of such district. And the Clerk first provided for in this section shall be elected by the qualified voters of the other district or districts. The same principle shall be observed whenever the Court shall be directed to hold its sessions in either of the

other districts. Should the number of Judges be reduced, the term of the office of Clerk shall be six years.

SEC. 12. No person shall be eligible to the office of Clerk of the Court of Appeals unless he be a citizen of the United States, a resident of the State two years next preceding his election, of the age of twenty-one years, and have a certificate from the Judge of the Court of Appeals or a Judge of the Circuit Court that he has been examined by the Clerk of his Court, under his supervision, and that he is qualified for the office for which he is a candidate.

SEC. 13. Should a vacancy occur in the office of Clerk of the Court of Appeals, the Governor shall issue a writ of election, and the qualified voters of the State or of the district in which the vacancy may occur shall elect a Clerk of the Court of Appeals, to serve until the end of the term for which such Clerk was elected: *Provided*, That, when a vacancy shall occur from any cause, or the Clerk be under charges upon information, the Judges of the Court of Appeals shall have power to appoint a Clerk, *pro tempore*, to perform the duties of Clerk until such vacancy shall be filled or the Clerk acquitted: *And provided, further*, That no writ of election shall issue to fill a vacancy unless the unexpired term exceed one year.

SEC. 14. The General Assembly shall direct, by law, the mode and manner of conducting and making due returns to the Secretary of State of all elections of the Judges and Clerk or Clerks of the Court of Appeals, and of determining contested elections of any of these officers.

SEC. 15. The General Assembly shall provide for an additional Judge or Judges, to constitute with the remaining Judge or Judges a special Court for the trial of such cause or causes as may at any time be pending in the Court of Appeals, on the trial of which a majority of the Judges can not sit, on account of interest in the event of the cause, or on account of their relationship to either party, or when a Judge may have been employed in or decided the cause in the inferior court.

#### CONCERNING THE CIRCUIT COURTS.

SEC. 16. A Circuit Court shall be established in each county now existing or which may hereafter be erected in this Commonwealth.

SEC. 17. The jurisdiction of said Court shall be and remain as now established, hereby giving to the General Assembly the power to change or alter it.

SEC. 18. The right to appeal or sue out a writ of error to the Court of Appeals shall remain as it now exists until altered by law, hereby giving to the General Assembly the power to change, alter, or modify said right.

SEC. 19. At the first session after the adoption of this Constitution the General Assembly shall divide the State into twelve judicial districts, having due regard to business, territory, and population: *Provided*, That no county shall be divided.



SEC. 20. They shall, at the same time that the judicial districts are laid off, direct elections to be held in each district to elect a Judge for said district, and shall prescribe in what manner the election shall be conducted. The first election of Judges of the Circuit Court shall take place on the second Monday in May, 1851, and afterward on the first Monday in August, 1856, and on the first Monday in August in every sixth year thereafter.

SEC. 21. All persons qualified to vote for members of the General Assembly in each district shall have the right to vote for Judges.

SEC. 22. No person shall be eligible as Judge of the Circuit Court who is not a citizen of the United States, a resident of the district for which he may be a candidate two years next preceding his election, at least thirty years of age, and who has not been a practicing lawyer eight years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall not be equal to eight years.

SEC. 23. The Judges of the Circuit Court shall, after their first term, hold their office for the term of six years from the day of their election. They shall be commissioned by the Governor and continue in office until their successors be qualified, but shall be removable from office in the same manner as the Judges of the Court of Appeals, and the removal of a Judge from his district shall vacate his office.

SEC. 24. The General Assembly, if they deem it necessary, may establish one additional district every four years, but the judicial districts shall not exceed sixteen until the population of this State shall exceed one million five hundred thousand.

SEC. 25. The Judges of the Circuit Courts shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall be equal and uniform throughout the State, and which shall not be diminished during the time for which they were elected.

SEC. 26. If a vacancy shall occur in the office of Judge of the Circuit Court, the Governor shall issue a writ of election to fill such vacancy for the residue of the term: *Provided*, That, if the unexpired term be less than one year, the Governor shall appoint a Judge to fill such vacancy.

SEC. 27. The judicial districts of this State shall not be changed, except at the first session after an enumeration, unless when a new district may be established.

SEC. 28. The General Assembly shall provide, by law, for holding Circuit Courts when, from any cause, the Judge shall fail to attend, or, if in attendance, can not properly preside.

#### CONCERNING COUNTY COURTS.

SEC. 29. A County Court shall be established in each county now existing or which may hereafter be erected within this Commonwealth, to consist of a Presiding Judge and two Associate

Judges, any two of whom shall constitute a court for the transaction of business: *Provided*, The General Assembly may at any time abolish the office of the Associate Judges whenever it shall be deemed expedient; in which event they may associate with said court any or all of the Justices of the Peace for the transaction of business.

SEC. 30. The Judges of the County Courts shall be elected by the qualified voters in each county for the term of four years, and shall continue in office until their successors be duly qualified, and shall receive such compensation for their services as may be provided by law.

SEC. 31. The first election of County Court Judges shall take place at the same time of the election of Judges of the Circuit Court. The Presiding Judge first elected shall hold his office until the first Monday in August, 1854; the Associate Judges shall hold their offices until the first Monday in August, 1852, and until their successors be qualified; and afterward elections shall be held on the first Mondays in August in the years in which vacancies regularly occur.

SEC. 32. No person shall be eligible to the office of Presiding or Associate Judge of the County Court unless he be a citizen of the United States, over twenty-one years of age, and shall have been a resident of the county in which he shall be chosen one year next preceding the election.

SEC. 33. The jurisdiction of the County Court shall be regulated by law, and, until changed, shall be the same now vested in the County Courts of this State.

SEC. 34. Each county in this State shall be laid off into districts of convenient size, as the General Assembly may from time to time direct. Two Justices of the Peace shall be elected in each district by the qualified voters therein, at such time and place as may be prescribed by law, for the term of four years, whose jurisdiction shall be co-extensive with the county. No person shall be eligible as a Justice of the Peace unless he be a citizen of the United States, twenty-one years of age, and a resident of the district in which he may be a candidate.

SEC. 35. Judges of the County Court and Justices of the Peace shall be conservators of the peace. They shall be commissioned by the Governor. County and district officers shall vacate their offices by removal from the district or county in which they shall be appointed. The General Assembly shall provide, by law, the manner of conducting and making due return of all elections of Judges of the County Court and Justices of the Peace, and for determining contested elections, and provide the mode of filling vacancies in these offices.

SEC. 36. Judges of the County Court and Justices of the Peace, Sheriffs, Coroners, Surveyors, Jailers, County Assessor, Attorney for the county, and Constables shall be subject to indictment or presentment for malfeasance or misfeasance in office, or willful neglect in the discharge of their official duties, in such mode as may be pre-

scribed by law, subject to appeal to the Court of Appeals, and upon conviction their offices shall become vacant.

SEC. 37. The General Assembly may provide, by law, that the Justices of the Peace in each county shall sit at the Court of Claims and assist in laying the county levy and making appropriations only.

SEC. 38. When any city or town shall have a separate representation, such city or town, and the county in which it is located, may have such separate municipal courts and executive and ministerial officers as the General Assembly may from time to time provide.

SEC. 39. The Clerks of the Court of Appeals, Circuit and County Courts, shall be removable from office by the Court of Appeals, upon information and good cause shown. The Court shall be judges of the fact as well as the law. Two thirds of the members present must concur in the sentence.

SEC. 40. The Louisville Chancery Court shall exist under this Constitution, subject to repeal, and its jurisdiction to enlargement and modification by the General Assembly. The Chancellor shall have the same qualifications as a Circuit Court Judge, and the Clerk of said Court as a Clerk of a Circuit Court, and the Marshal of said Court as a Sheriff; and the General Assembly shall provide for the election, by the qualified voters within its jurisdiction, of the Chancellor, Clerk, and Marshal of said Court, at the same time that the Judge and Clerk of the Circuit Court are elected for the county of Jefferson; and they shall hold their offices for the same time, and shall be removable in the same manner: *Provided*, That the Marshal of said court shall be ineligible for the succeeding term.

SEC. 41. The City Court of Louisville, the Lexington City Court, and all other Police Courts established in any city or town shall remain, until otherwise directed by law, with their present powers and jurisdictions; and the Judges, Clerks, and Marshals of such courts shall have the same qualifications, and shall be elected by the qualified voters of such cities or towns at the same time and in the same manner, and hold their offices for the same term as county Judges, Clerks, and Sheriffs, respectively, and shall be liable to removal in the same manner. The General Assembly may vest judicial powers, for police purposes, in Mayors of cities, Police Judges, and Trustees of towns.

## ARTICLE V.

### CONCERNING IMPEACHMENTS.

SECTION 1. The House of Representatives shall have the sole power of impeachment.

SEC. 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two thirds of the members present.

SEC. 3. The Governor and all civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust, or profit under this Commonwealth; but the party convicted shall nevertheless be subject and liable to indictment, trial, and punishment by law.

## ARTICLE VI.

### CONCERNING EXECUTIVE AND MINISTERIAL OFFICERS FOR COUNTIES AND DISTRICTS.

SECTION 1. A Commonwealth's Attorney for each judicial district and a Circuit Court Clerk for each county shall be elected, whose term of office shall be the same as that of the Circuit Judges; also a County Court Clerk, an Attorney, Surveyor, Coroner, and Jailer for each county, whose term of office shall be the same as that of the Presiding Judge of the County Court.

SEC. 2. No person shall be eligible to the offices mentioned in this article who is not at the time twenty-four years old (except Clerks of County and Circuit Courts, Sheriffs, Constables, and County Attorneys, who shall be eligible at the age of twenty-one years), a citizen of the United States, and who has not resided two years next preceding the election in the State and one year in the county or district for which he is a candidate. No person shall be eligible to the office of Commonwealth's or County Attorney unless he shall have been a licensed practicing attorney for two years. No person shall be eligible to the office of Clerk unless he shall have procured from a Judge of the Court of Appeals or a Judge of the Circuit Court a certificate that he has been examined by the Clerk of his Court, under his supervision, and that he is qualified for the office for which he is a candidate.

SEC. 3. The Commonwealth's Attorney and Circuit Court Clerks shall be elected at the same time as the Circuit Judge—the Commonwealth's Attorney by the qualified voters of the district, the Circuit Court Clerk by the qualified voters of the county. The County Attorney, Clerk, Surveyor, Coroner, and Jailer shall be elected at the same time and in the same manner as the Presiding Judge of the County Court.

SEC. 4. A Sheriff shall be elected in each county by the qualified voters thereof, whose term of office shall, after the first term, be two years, and until his successor be qualified, and he shall be re-eligible for a second term; but no Sheriff shall, after the expiration of the second term, be re-eligible or act as deputy for the succeeding term. The first election of Sheriffs shall be on the second Monday in May, 1851, and the Sheriffs then elected shall hold their offices until the first Monday in January, 1853, and until their successors be qualified; and on the first Monday in August, 1852, and on the first Monday of August in every second year thereafter elections for Sheriff shall be held: *Provided*, That the Sheriffs



first elected shall enter upon the duties of their respective offices on the first Monday in June, 1851, and after the first election on the first Monday in January next succeeding their election.

SEC. 5. A Constable shall be elected in every Justice's district, who shall be chosen for two years, at such time and place as may be provided by law, whose jurisdiction shall be co-extensive with the county in which he may reside.

SEC. 6. Officers for towns and cities shall be elected for such terms and in such manner and with such qualifications as may be prescribed by law.

SEC. 7. Vacancies in offices under this article shall be filled until the next regular election, in such manner as the General Assembly may provide.

SEC. 8. When a new county shall be erected, officers for the same, to serve until the next stated election, shall be elected or appointed in such way and at such times as the General Assembly may prescribe.

SEC. 9. Clerks, Sheriffs, Surveyors, Coroners, Constables, and Jailers, and such other officers as the General Assembly may from time to time require, shall, before they enter upon the duties of their respective offices, and as often thereafter as may be deemed proper, give such bond and security as shall be prescribed by law.

SEC. 10. The General Assembly may provide for the election or appointment, for a term not exceeding four years, of such other county or district ministerial and executive officers as shall from time to time be necessary and proper.

SEC. 11. A County Assessor shall be elected in each county at the same time and for the same term that the Presiding Judge of the County Court is elected, until otherwise provided for by law. He shall have power to appoint such assistants as may be necessary and proper.

## ARTICLE VII.

### CONCERNING THE MILITIA.

SECTION 1. The Militia of this Commonwealth shall consist of all free, able-bodied male persons (negroes, mulattoes, and Indians excepted) resident in the same, between the ages of eighteen and forty-five years, except such persons as now are or hereafter may be exempted by the laws of the United States or of this State; but those who belong to religious societies whose tenets forbid them to carry arms shall not be compelled to do so, but shall pay an equivalent for personal services.

SEC. 2. The Governor shall appoint the Adjutant-General and his other staff officers; the Major-Generals, Brigadier-Generals, and Commandants of regiments shall, respectively, appoint their staff officers; and Commandants of companies shall appoint their non-commissioned officers.

SEC. 3. All militia officers whose appointment is not herein otherwise provided for shall be elected by persons subject to mili-

tary duty within their respective companies, battalions, regiments, brigades, and divisions, under such rules and regulations, and for such terms, not exceeding six years, as the General Assembly may from time to time direct and establish.

## ARTICLE VIII.

### GENERAL PROVISIONS.

SECTION 1. Members of the General Assembly and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take the following oath or affirmation: I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this State, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute to the best of my abilities the office of ——— according to law; and I do further solemnly swear (or affirm) that, since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, with a citizen of this State; nor have I sent or accepted a challenge to fight a duel with deadly weapons with a citizen of this State; nor have I acted as second in carrying a challenge or aided or assisted any person thus offending, so help me God.

SEC. 2. Treason against the Commonwealth shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 3. Every person shall be disqualified from holding any office of trust or profit for the term for which he shall have been elected, who shall be convicted of having given or offered any bribe or treat to procure his election.

SEC. 4. Laws shall be made to exclude from office and from suffrage those who shall thereafter be convicted of bribery, perjury, forgery, or other crimes or high misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practices.

SEC. 5. No money shall be drawn from the treasury but in pursuance of appropriations made by law; nor shall any appropriations of money for the support of an army be made for a longer time than two years; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

SEC. 6. The General Assembly may direct, by law, in such manner and in what courts suits may be brought against the Commonwealth.

SEC. 7. The manner of administering an oath or affirmation



shall be such as is most consistent with the conscience of the deponent, and shall be esteemed by the General Assembly the most solemn appeal to God.

SEC. 8. All laws which, on the first day of June, one thousand seven hundred and ninety-two, were in force in the State of Virginia, and which are of a general nature and not local to that State, and not repugnant to this Constitution nor to the laws which have been enacted by the General Assembly of this Commonwealth, shall be in force within this State until they shall be altered or repealed by the General Assembly.

SEC. 9. The compact with the State of Virginia, subject to such alterations as may be made therein agreeably to the mode prescribed by the said compact, shall be considered as part of this Constitution.

SEC. 10. It shall be the duty of the General Assembly to pass such laws as shall be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

SEC. 11. All civil officers for the Commonwealth at large shall reside within the State, and all district, county, or town officers within their respective districts, counties, or towns (trustees of towns excepted), and shall keep their offices at such places therein as may be required by law; and all militia officers shall reside in the bounds of the division, brigade, regiment, battalion, or company to which they may severally belong.

SEC. 12. Absence on the business of this State, or the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under this Commonwealth under the exceptions contained in this Constitution.

SEC. 13. It shall be the duty of the General Assembly to regulate, by law, in what cases, and what deductions from the salaries of public officers shall be made for neglect of duty in their official capacity.

SEC. 14. Returns of all elections by the people shall be made to the Secretary of State for the time being, except in those cases otherwise provided for in this Constitution, or which shall be otherwise directed by law.

SEC. 15. In all elections by the people, and also by the Senate and House of Representatives, jointly or separately, the votes shall be personally and publicly given *viva voce*: *Provided*, That dumb persons entitled to suffrage may vote by ballot.

SEC. 16. All elections by the people shall be held between the hours of six o'clock in the morning and seven o'clock in the evening.

SEC. 17. The General Assembly shall, by law, prescribe the time when the several officers authorized or directed by this Constitution to be elected or appointed, shall enter upon the duties of their respective offices, except where the time is fixed by this Constitution.

SEC. 18. No member of Congress, nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the General Assembly of this Commonwealth, or hold or exercise any office of trust or profit under the same.

SEC. 19. The General Assembly shall direct, by law, how persons, who now are or who may hereafter become securities for public officers, may be relieved or discharged on account of such securityship.

SEC. 20. Any person who shall, after the adoption of this Constitution, either directly or indirectly give, accept, or knowingly carry a challenge to any person or persons to fight in single combat with a citizen of this State with any deadly weapon, either in or out of the State, shall be deprived of the right to hold any office of honor or profit in this Commonwealth, and shall be punished otherwise in such manner as the General Assembly may prescribe by law.

SEC. 21. The Governor shall have power, after five years from the time of the offense, to pardon all persons who shall have in anywise participated in a duel, either as principals, seconds, or otherwise, and to restore him or them to all the rights, privileges, and immunities to which he or they were entitled before such participation. And upon the presentation of such pardon the oath prescribed in the first section of this article shall be varied to suit the case.

SEC. 22. At its first session after the adoption of this Constitution the General Assembly shall appoint not more than three persons, learned in the law, whose duty it shall be to revise and arrange the Statute Laws of this Commonwealth, both civil and criminal, so as to have but one law on any one subject; and also three other persons, learned in the law, whose duty it shall be to prepare a Code of Practice for the Courts, both civil and criminal, in this Commonwealth, by abridging and simplifying the rules of practice and laws in relation thereto; all of whom shall, at as early a day as practicable, report the result of their labors to the General Assembly for their adoption or modification.

SEC. 23. So long as the Board of Internal Improvement shall be continued, the President thereof shall be elected by the qualified voters of this Commonwealth, and hold the office for the term of four years, and until another be duly elected and qualified. The election shall be held at the same time and be conducted in the same manner as the election of Governor of this Commonwealth under this Constitution; but nothing herein contained shall prevent the General Assembly from abolishing said Board of Internal Improvement or the office of President thereof.

SEC. 24. The General Assembly shall provide, by law, for the trial of any contested election of Auditor, Register, Treasurer, Attorney-General, Judges of Circuit Courts, and all other officers not otherwise herein specified.

SEC. 25. The General Assembly shall provide, by law, for the

making of the returns, by the proper officers, of the election of all officers to be elected under this Constitution; and the Governor shall issue commissions to the Auditor, Register, Treasurer, President of the Board of Internal Improvement, Superintendent of Public Instruction, and such other officers as he may be directed by law to commission, as soon as he has ascertained the result of the election of those officers respectively.

SEC. 26. When a vacancy shall happen in the office of Attorney-General, Auditor of Public Accounts, Treasurer, Register of the Land Office, President of the Board of Internal Improvement, or Superintendent of Public Instruction, the Governor, in the recess of the Senate, shall have power to fill the vacancy by granting commissions, which shall expire at the end of the next session, and shall fill the vacancy for the balance of the time by and with the advice and consent of the Senate.

## ARTICLE IX.

### CONCERNING THE SEAT OF GOVERNMENT.

SECTION 1. The Seat of Government shall continue in the city of Frankfort until it shall be removed by law: *Provided, however,* That two thirds of all the members elected to each House of the General Assembly shall concur in the passage of such law.

## ARTICLE X.

### CONCERNING SLAVES.

SECTION 1. The General Assembly shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners previous to such emancipation a full equivalent in money for the slaves so emancipated, and providing for their removal from the State. They shall have no power to prevent immigrants to this State from bringing with them such persons as are deemed slaves by the laws of any of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State. They shall pass laws to permit owners of slaves to emancipate them, saving the rights of creditors, and to prevent them from remaining in this State after they are emancipated. They shall have full power to prevent slaves being brought into this State as merchandise. They shall have full power to prevent slaves being brought into this State who have been, since the first day of January, one thousand seven hundred and eighty-nine, or may hereafter be imported into any of the United States from a foreign country. And they shall have full power to pass such laws as may be necessary to oblige the owners of slaves to treat them with humanity, to provide for them necessary clothing and provision, to abstain from all injuries to them extending to life or limb; and, in case of their neglect or refusal to comply

with the directions of such laws, to have such slave or slaves sold for the benefit of their owner or owners.

SEC. 2. The General Assembly shall pass laws providing that any free negro or mulatto hereafter immigrating to, and any slave hereafter emancipated in and refusing to leave this State, or, having left, shall return and settle within this State, shall be deemed guilty of felony, and punished by confinement in the penitentiary thereof.

SEC. 3. In the prosecution of slaves for felony, no inquest by a grand jury shall be necessary, but the proceedings in such prosecutions shall be regulated by law, except that the General Assembly shall have no power to deprive them of the privilege of an impartial trial by a petit jury.

## ARTICLE XI.

### CONCERNING EDUCATION.

SECTION 1. The capital of the fund called and known as the "Common School Fund," consisting of one million two hundred and twenty-five thousand seven hundred and sixty-eight dollars and forty-two cents, for which bonds have been executed by the State to the Board of Education, and seventy-three thousand five hundred dollars of stock in the Bank of Kentucky; also, the sum of fifty-one thousand two hundred and twenty-three dollars and twenty-nine cents, balance of interest on the school fund for the year 1848, unexpended, together with any sum which may be hereafter raised in the State by taxation or otherwise for purposes of education, shall be held inviolate for the purpose of sustaining a system of common schools. The interest and dividends of said funds, together with any sum which may be produced for that purpose by taxation or otherwise, may be appropriated in aid of common schools, but for no other purpose. The General Assembly shall invest said fifty-one thousand two hundred and twenty-three dollars and twenty-nine cents in some safe and profitable manner; and any portion of the interest and dividends of said school fund, or other money or property raised for school purposes, which may not be needed in sustaining common schools, shall be invested in like manner. The General Assembly shall make provision, by law, for the payment of the interest of said school fund: *Provided*, That each county shall be entitled to its proportion of the income of said fund, and, if not called for for common school purposes, it shall be re-invested from time to time for the benefit of such county.

SEC. 2. A Superintendent of Public Instruction shall be elected by the qualified voters of this Commonwealth at the same time the Governor is elected, who shall hold his office for four years; and his duties and salary shall be prescribed and fixed by law.

## ARTICLE XII.

### MODE OF REVISING THE CONSTITUTION.

SECTION 1. When experience shall point out the necessity of amending this Constitution, and when a majority of all the members elected to each House of the General Assembly shall, within



the first twenty days of any regular session, concur in passing a law for taking the sense of the good people of this Commonwealth as to the necessity and expediency of calling a convention, it shall be the duty of the several Sheriffs and other officers of elections, at the next general election which shall be held for Representatives to the General Assembly after the passage of such law, to open a poll for and make return to the Secretary of State for the time being of the names of all those entitled to vote for Representatives who have voted for calling a convention; and if, thereupon, it shall appear that a majority of all the citizens of this State entitled to vote for Representatives have voted for calling a convention, the General Assembly shall, at their next regular session, direct that a similar poll shall be opened and return made for the next election for Representatives; and if, thereupon, it shall appear that a majority of all the citizens of this State entitled to vote for Representatives have voted for calling a convention, the General Assembly shall, at their next session, pass a law calling a convention, to consist of as many members as there shall be in the House of Representatives and no more, to be chosen on the first Monday in August thereafter, in the same manner and proportion, and at the same places, and possessed of the same qualifications of a qualified elector, by citizens entitled to vote for Representatives, and to meet within three months after their election for the purpose of re-adopting, amending, or changing this Constitution; but if it shall appear, by the vote of either year as aforesaid, that a majority of all the citizens entitled to vote for Representatives did not vote for calling a convention, a convention shall not then be called. And, for the purpose of ascertaining whether a majority of the citizens entitled to vote for Representatives did or did not vote for calling a convention as above, the General Assembly passing the law authorizing such vote shall provide for ascertaining the number of citizens entitled to vote for Representatives within the State.

SEC. 2. The Convention, when assembled, shall judge of the election of its members and decide contested elections; but the General Assembly shall, in calling a convention, provide for taking testimony in such cases and for issuing the writ of election in case of a tie.

### ARTICLE XIII.

#### BILL OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and established, WE DECLARE:

SECTION 1. That all freemen, when they form a social compact, are equal, and that no man or set of men are entitled to exclusive separate public emoluments or privileges from the community but in consideration of public services.

SEC. 2. That absolute arbitrary power over the lives, liberty, and property of freemen exists nowhere in a Republic, not even in the largest majority.

SEC. 3. The right of property is before and higher than any constitutional sanction; and the right of the owner of a slave to such slave and its increase is the same and as inviolable as the right of the owner of any property whatever.

SEC. 4. That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, happiness, security, and the protection of property. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper.

SEC. 5. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man shall be compelled to attend, erect, or support any place of worship or to maintain any ministry against his consent; that no human authority ought, in any case whatever, to control or interfere with the rights of conscience, and that no preference shall ever be given by law to any religious societies or modes of worship.

SEC. 6. That the civil rights, privileges, or capacities of any citizen shall in nowise be diminished or enlarged on account of his religion.

SEC. 7. That all elections shall be free and equal.

SEC. 8. That the ancient mode of trial by jury shall be held sacred and the right thereof remain inviolate, subject to such modifications as may be authorized by this Constitution.

SEC. 9. That printing presses shall be free to every person who undertakes to examine the proceedings of the General Assembly or any branch of Government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print on any subject—being responsible for the abuse of that liberty.

SEC. 10. In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels the jury shall have a right to determine the law and the facts under the direction of the Court as in other cases.

SEC. 11. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable seizures and searches, and that no warrant to search any place or to seize any person or thing shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

SEC. 12. That in all criminal prosecutions the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; that he can not be compelled to give evidence against himself; nor can he



be deprived of his life, liberty, or property unless by the judgment of his peers or the law of the land.

SEC. 13. That no person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or of public danger, or by leave of the Court for oppression or misdemeanor in office.

SEC. 14. No person shall, for the same offense, be twice put in jeopardy of his life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives and without just compensation being previously made to him.

SEC. 15. That all Courts shall be open: and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial, or delay.

SEC. 16. That no power of suspending laws shall be exercised, unless by the General Assembly or its authority.

SEC. 17. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

SEC. 18. That all prisoners shall be bailable by sufficient securities, unless for capital offenses, when the proof is evident or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it.

SEC. 19. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

SEC. 20. That no *ex post facto* law, nor any law impairing contracts, shall be made.

SEC. 21. That no person shall be attainted of treason or felony by the General Assembly.

SEC. 22. That no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

SEC. 23. That the estates of such persons as shall destroy their own lives shall descend or vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

SEC. 24. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes by petition, address, or remonstrance.

SEC. 25. That the rights of the citizens to bear arms in defense of themselves and the State shall not be questioned; but the General Assembly may pass laws to prevent persons from carrying concealed arms.

SEC. 26. That no standing army shall, in time of peace, be kept up without the consent of the General Assembly; and the military shall, in all cases and at all times, be in strict subordination to the civil power.

SEC. 27. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor, in time of war, but in a manner to be prescribed by law.

SEC. 28. That the General Assembly shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for a longer time than for a term of years.

SEC. 29. That emigration from the State shall not be prohibited.

SEC. 30. To guard against transgressions of the high powers which we have delegated, WE DECLARE, that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto, or contrary to this Constitution, shall be void.

#### SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in the Constitution of this Commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained:

SECTION 1. That all the laws of this Commonwealth in force at the time of the adoption of this Constitution, and not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if this Constitution had not been adopted.

SEC. 2. The oaths of office herein directed to be taken may be administered by any Judge or Justice of the Peace, until the General Assembly shall otherwise direct.

SEC. 3. No office shall be superseded by the adoption of this Constitution, but the laws of the State relative to the duties of the several officers, legislative, executive, judicial, and military, shall remain in full force, though the same be contrary to this Constitution, and the several duties shall be performed by the respective officers of the State according to the existing laws, until the organization of the Government, as provided for under this Constitution, and the entering into office of the officers to be elected or appointed under said Government, and no longer.

SEC. 4. It shall be the duty of the General Assembly which shall convene in the year 1850 to make an apportionment of the representation of this State upon the principle set forth in this Constitution; and until the first apportionment shall be made as herein directed, the apportionment of Senators and Representatives among the several districts and counties in this State shall remain as at present fixed by law: *Provided*, That on the first Monday in August, 1850, all Senators shall go out of office, and on that day an election for Senators and Representatives shall be held throughout the State, and those then elected shall hold their offices for one year, and no longer: *Provided further*, That, at the elections to be held in the year 1850, that provision in this Constitution which

requires voters to vote in the precinct within which they reside shall not apply.

SEC. 5. All recognizances heretofore taken, or which may be taken before the organization of the judicial department under this Constitution, shall remain as valid as though this Constitution had not been adopted, and may be prosecuted in the name of the Commonwealth. All criminal prosecutions and penal actions which have arisen or may arise before the reorganization of the judicial department under this Constitution may be prosecuted to judgment and execution in the name of the Commonwealth.

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### QUESTIONS ON THE CONSTITUTION OF KENTUCKY.

How are the powers of the State Government divided? How shall these powers be exercised? In what is the legislative power vested? For how long and when shall Representatives be chosen? What are the qualifications of a Representative? How is representation regulated? Who are voters? What are the number of Representatives; of Senators? What are the qualifications of a State Senator? What compensation do they receive? What of bills for raising revenue; of the credit of the Commonwealth? When shall a bill become a law? What debts may be contracted?

# CONSTITUTION OF THE UNITED STATES.

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We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE I.

### SECTION 1.

1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### SECTION 2.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand; but each State shall have at least one Representative; and, until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland,

six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

4. When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

### SECTION 3.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years, and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief-Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

7. Judgment in case of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

### SECTION 4.

1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make



or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

### SECTION 5.

1. Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

### SECTION 6.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to or returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

### SECTION 7.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representa-



tives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objection at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, except on a question of adjournment, shall be presented to the President of the United States, and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

#### SECTION 8.

The Congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish an uniform rule of naturalization and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish post-offices and post-roads.

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court.

10. To define and punish piracies and felonies committed on the high seas, and offenses against the laws of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation in all cases whatsoever over such district, not exceeding ten miles square, as may, by cession of particular States and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

#### SECTION 9.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign State.

## SECTION 10.

1. No State shall enter into any treaty, alliance, or confederation, grant letters of marque and reprisal, coin money, emit bills of credit, make any thing but gold and silver coin a tender in payment of debts, pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States, and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of the Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

## ARTICLE II.

## SECTION 1.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves; and they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But, in choosing the President, the vote shall be taken by

States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But, if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President.\*]

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

## SECTION 2.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators

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\* Altered—see amendment, Article XII.



present concur ; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

### SECTION 3.

1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient ; he may, on extraordinary occasions, convene both Houses, or either of them ; and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper ; he shall receive ambassadors and other public ministers ; he shall take care that the laws be faithfully executed ; and shall commission all the officers of the United States.

### SECTION 4.

1. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

## ARTICLE III.

### SECTION 1.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and Inferior Courts, shall hold their offices during good behavior ; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

### SECTION 2.

1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority ; to all cases affecting ambassadors, other public ministers, and consuls ; to all cases of admiralty and maritime jurisdiction ; to controversies to which the United States shall be a party ; to controver-

sies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may, by law, have directed.

### SECTION 3.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

## ARTICLE IV.

### SECTION 1.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

### SECTION 2.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.



## SECTION 3.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

## SECTION 4.

1. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the Executive, when the Legislature can not be convened, against domestic violence.

## ARTICLE V.

1. The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI.

1. All debts contracted and engagements entered into before the adoption this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the

members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

#### ARTICLE VII.

1. The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

# AMENDMENTS TO THE CONSTITUTION.

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NOTE.—The following Amendments were proposed at the first session of the First Congress of the United States, which was begun and held at the City of New York on the 4th of March, 1789, and were adopted by the requisite number of States.—*First volume of the Laws of the United States, page 72.*

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## ARTICLE I.

1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

## ARTICLE II.

1. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

## ARTICLE III.

1. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor, in time of war, but in a manner to be prescribed by law.

## ARTICLE IV.

1. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

## ARTICLE V.

1. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject, for the same offense, to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case

to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation.

#### ARTICLE VI.

1. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

#### ARTICLE VII.

1. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

#### ARTICLE VIII.

1. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### ARTICLE IX.

1. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

#### ARTICLE X.

1. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

NOTE.—The following Amendment was proposed at the second session of the Third Congress. It is printed in the Laws of the United States, 1 vol., p. 73, as Article XI.

#### ARTICLE XI.

1. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

NOTE.—The three following sections were proposed as Amendments at the first session of the Eighth Congress. They are printed in the Laws of the United States as Article XII.

#### ARTICLE XII.

1. The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in

distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the Seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

#### ARTICLE XIII.

1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

#### ARTICLE XIV.

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.



2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But, when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

#### ARTICLE XV.

1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

2. The Congress shall have power to enforce this article by appropriate legislation.

NOTE.—The first ten of the foregoing Amendments were proposed at the first session of the First Congress held under the Constitution; the eleventh Amendment was proposed at the second session of the Third Congress, the twelfth at the first session of the Eighth Congress, the thirteenth at the second session of the Thirty-eighth Congress, the fourteenth at the first session of the Thirty-ninth Congress, and the fifteenth at the third session of the Fortieth Congress, and were all adopted by the number of States required by the Fifth Article of the original Constitution. The thirteenth Amendment was adopted December 18, 1865; the fourteenth, July 20, 1868, and the fifteenth, March 30, 1870.

## QUESTIONS ON THE CONSTITUTION OF THE UNITED STATES.

How are all legislative powers vested? How are Representatives chosen? What are the qualifications of a Representative? What are the powers of the House of Representatives? How many Senators from each State; how chosen; for how long? Into how many classes are they divided? What are the qualifications of a Senator; what of the Vice-President? What are the powers of the Senate? How often and when shall Congress assemble? What is the compensation of Senators; of Representatives? Where shall bills for raising revenue originate? What of the veto power? When shall a bill become a law? What are the powers of Congress generally? How is the President elected; for how long shall he serve; what are his powers? What of the judicial power of the United States? What of the rights of citizens? What of the Territories? How may the Constitution be amended? Give the substance of each amendment.

# INDEX.

	PAGE		PAGE
Ambassadors, Public Ministers		County Officers, continued—	
to other countries.....	55	Clerk of the County Court...	12
Appeals .....	21	Jailer.....	17
Arson .....	62	Judge of the County Court..	12
Burglary .....	62	Sheriff.....	13
Cabinet of the President of the		Supervisors, Board of.....	15
United States.....	54	Court of Appeals.....	20
Charitable Institutions.....	47	Chief Justices.....	20
Asylum, Lunatic.....	47	Clerk of .....	20
Blind, Kentucky Institution		Judge of.....	20
for the.....	47	Reporter of .....	20
Deaf and Dumb .....	47	Sergeant of .....	21
Poor-house.....	47	Court of Claims.....	11
Cities, Governments of.....	46	Crimes against the United States	66
Collectors of Customs.....	61	Counterfeiting.....	66
Collectors of Internal Revenue.	61	Treason.....	66
Congress .....	59	Violating Internal Revenue	
Constable. ....	11	Laws.....	66
Constitution of Kentucky....	32	Violating Pension Laws....	66
Bill of Rights.....	34	Violating Postal Laws.....	66
Mode of revising.....	37	Crimes and Punishments.....	62
Consuls.....	55	Embezzlement.....	63
Counterfeiting .....	63	Exemptions from Taxation ...	44
County, A.....	7	Federal Courts.....	49
County Courts.....	18	Circuit Courts.....	51
Chancery Courts.....	20	Circuit Judge .....	51
Circuit Courts.....	18	Commissioners' Courts, United	
Circuit Judge .....	19	States.....	52
Common Pleas Courts.....	20	Court of Claims.....	49
Court of Claims.....	18	District Courts.....	50
Criminal Courts.....	20	District Judge.....	50
Justices' Courts.....	18	Officers of District and Circuit	
Quarterly Courts.....	18	Courts—District Attorney,	
County Districts.....	8	Marshal, and Clerk.....	51
County Officers.....	12	Supreme Court.....	49
Assessor .....	14	Felonies.....	62
Clerk of Circuit Court.....	16	Forgery .....	63
Commonwealth's Attorney..	19	Government—	
Coroner .....	15	Aristocracy .....	6
County Attorney.....	13	Civil Government generally..	5
County Superintendent.....	16	Democracy.....	6
County Surveyer .....	15	Forms of.....	6

	PAGE		PAGE
Government, continued—		Officers of the State, continued—	
Monarchy.....	6	Secretary of State .....	27
Republic.....	6	Treasurer, State.....	28
Grand Larceny .....	63	Vacancies, State Officers.....	31
House of Representatives.....	22	Perjury.....	63
House of Representatives, United		Post-office Department.....	57
States .....	60	President of the United States.....	53
Indictments by Grand Jury....	40	President of the United States	
Interior Department.....	57	Senate .....	59
Bureau of Education.....	57	Representatives in Congress....	59
Census Office.....	57	Revenue and Taxation.....	44
Land Office.....	57	Revenue, United States.....	61
Patent Office.....	57	Road Districts.....	8
Pension Office.....	57	School Districts.....	9
Internal Revenue.....	61	School Fund.....	9
Judgments.....	42	School Trustee, making false re-	
Juries, Mode of selecting.....	41	port.....	64
Jury, Grand.....	39	Senate United States.....	59
Jury, Petit — who competent,		Senators.....	59
who exempt, etc.....	41	Sources of Revenue.....	44
Jury, Trial by.....	42	State, A.....	7
Justices of the Peace.....	10	State Senate .....	22
Legislature, State.....	22	Subornation of Perjury .....	63
Qualification of members....	22	Superior Court.....	21
Rules, Officers.....	23	Tariff.....	61
Magisterial Districts.....	10	Treason, Manslaughter, Rob-	
Maiming .....	63	bery .....	62
Misdemeanors.....	65	Treasury Department, duties of	
Modes of Punishment.....	65	Officers of.....	55
Navy Department.....	57	Engraving and Printing, Bu-	
Officers of the State.....	25	reau of.....	56
Adjutant-General.....	30	Mint, Bureau of.....	56
Attorney-General.....	29	Supervising Architect.....	56
Auditor.....	28	Trial by Jury .....	42
Board of Equalization.....	31	Trustees, School.....	9
Commissioner of Agriculture..	30	United States.....	7
Commissioner of Insurance...31		Composition of.....	7
Commissioner of Mines.....	30	Constitution of.....	7
Geologist, State.....	30	Vice-President of the United	
Governor—who eligible.....	25	States.....	53
Powers and duties of.....	25	War Department.....	56
Inspector and Examiner, State	31	Adjutant-General.....	56
Librarian, State.....	30	Chief of Ordnance.....	56
Lieutenant-Governor.....	26	Chief Signal Officer.....	56
Public Printer and Binder...30		Coast Survey.....	56
Register of Land Office.....	29	Commissary-General.....	56
Salaries, State Officers.....	31	Quartermaster-General. ....	56
Superintendent of Public In-		Judge-Advocate General ....	56
struction.....	29	Paymaster-General.....	56

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